

ORCHARD HILLS ESTATES  
NINETEEN-LOT MAJOR SUBDIVISION

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: John Lavey 

REVIEWED/  
APPROVED BY: Renee Lemon

PUBLIC MEETINGS: BCC Public Meeting: 9:00 a.m. May 13, 2008  
Deadline for BCC action (60 working days): May 27, 2008

SUBDIVIDER: Wil-Rock, LLC  
1369 Eastside Highway  
Victor, MT 59875

REPRESENTATIVE: Terry Nelson  
Applebury Survey  
914 Highway 93  
Victor, MT 59875

LOCATION OF REQUEST: The property is located northeast of Corvallis off Mountain View Orchards Road. (See Map 1)



Map 1: Location Map  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

E 1/2 of Section 23, T7N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined sufficient on March 3, 2008. Agencies were notified of the subdivision on February 13, 2007 and March 3, 2008. The Planning Board conducted a public meeting on the proposal on April 23, 2008. Comments received from agencies are Exhibits A-1 through A-17 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated March 3, 2008. Public comments received are Exhibits B-1 and B-2 of the staff report.

**DEVELOPMENT  
PATTERN:**

Subject property:	Vacant Rural
North:	Vacant Rural
South:	Vacant Rural
East:	Farmstead Rural
West:	Farmstead Rural

**INTRODUCTION**

The subject property is currently used for pasture land. The BRID irrigation canal borders the eastern property boundary. The applicant is required to install safety fencing along the length of the canal. The applicant is statutorily required to provide 1.66 acres of parkland, and is proposing to do so through a payment of cash in lieu of land dedication. Roughly five of the 81 acres of the soils on the property are described as "Prime farmland if irrigated" by the Natural Resources Conservation Service. The intermittent stream Dry Creek traverses the extreme southwest portion of the property, and is proposed to be within a no-build/alteration zone.

*Staff recommends conditional approval of the subdivision proposal.*

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS**  
**APRIL 23, 2008**

**ORCHARD HILLS ESTATES**  
**NINETEEN-LOT MAJOR SUBDIVISION**

**PLANNING STAFF RECOMMENDED MOTION**

That the Orchard Hills Estates Major Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**PLANNING STAFF RECOMMENDED CONDITIONS**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

***Notification of Irrigation/Drainage Facilities and Easements.*** Within this subdivision there are irrigation and drainage easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. The Bitterroot Irrigation District must approve any relocation or alteration (e.g. installation of a culvert) of the irrigation canals, ditches, and pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

***Notification of Water Rights.*** Lots 1 through 11 within this subdivision do not currently have the right to take water from any of the irrigation ditches, pipelines, drainage ditch, and/or canals on the property. No lots within this subdivision have the right to take water from Dry Creek. Lots 12 through 19 have the right to take irrigation water from the pipeline along the common property boundary of said lots, not to exceed the amount as allocated through BRID. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana Department of Natural Resources for questions on water rights. (*Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities*)

***Limitation of Access onto a Public Road.*** A "no-ingress/egress" restriction exists along the Mountain View Orchards Road frontage of the subdivision, excepting the approved approach to the internal subdivision road and the two common accesses. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

***Notification of Setback from BRID Canal.*** Within this subdivision there is a 50-foot setback along the entire eastern property boundary, along the BRID Canal. No new structure may be constructed in this area. Roads, trails, and utility crossings through these areas are not permitted. However, the proper use of chemicals or other methods of control for noxious weeds is allowed. Activities associated with the maintenance and upkeep of the BRID canal

are permitted. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities & Public Health and Safety*)

**Notification of Road/Common Access Maintenance Agreement.** Neither the internal subdivision roads (Corvallis Hills Road, Spartan Lane, and Empire Terrace) nor the two common accesses are maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road/common access maintenance agreement for the roads and the common accesses was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

**Notification of No-Build/Alteration Zones.** Within this subdivision there are no-build/alteration zones, as shown on the plat, to restrict building in areas with potential wetlands and steep slopes. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas are not permitted. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment and Wildlife & Wildlife Habitat*)

**Notification of "very limited" or "severe" Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as "very limited" or "severe" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited and severe soils in question are included as exhibits to this document [*the applicant shall include the reduced plat and exhibits as attachments*]. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision.

Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be

composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)

- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**No-Build/Alteration Zones.** Within this subdivision there are no-build/alteration zones, as shown on the plat, to restrict building on areas with potential wetlands and steep slopes. No new structure may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas are not permitted. However, the proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed. (Section 3-2-8(b)(v)(B), *RCSR, Effects on Natural Environment and Wildlife & Wildlife Habitat*)

**Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (Section 3-2-8(b)(v), *RCSR, Effects on Natural Environment*)

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v), *RCSR, Effects on Public Health & Safety*)

**Irrigation Facilities and Easement.** Within this subdivision there are irrigation and drainage easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. The Bitterroot Irrigation District must approve any relocation or alteration (e.g. installation of a culvert) of the irrigation canals, ditches, and pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (Section 3-2-8(a) and Section 3-2-8(b)(v)(B), *RCSR, Effects on Agricultural Water User Facilities*)

**Water Rights.** Lots 1 through 11 within this subdivision do not currently have the right to take water from any of the irrigation ditches, pipelines, drainage ditch, and/or canals on the property. No lots within this subdivision have the right to take water from Dry Creek. Lots 12 through 19 have the right to take irrigation water from the pipeline along the common property boundary of said lots, not to exceed the amount as allocated through BRID. Taking water without a water right for any purpose is illegal. Residents should consult with the Montana

Department of Natural Resources for questions on water rights. (*Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities*)

**Control of Noxious Weeds.** A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

**Setback from BRID Canal.** Within this subdivision there is a 50-foot wide setback from the BRID Canal, along the entire eastern property boundary. No new structure may be constructed in this area. Roads, trails, and utility crossings through these areas are not permitted. However, the proper use of chemicals or other methods of control for noxious weeds is allowed. Activities associated with the maintenance and upkeep of the BRID canal are permitted. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities & Public Health and Safety*)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Corvallis Rural Fire District has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Access Requirements for Lots within this Subdivision.** The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Building Standards.** The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment*)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)*

**Maintenance of fencing along BRID Canal.** The homeowners shall be responsible for maintaining the safety fencing located along the eastern subdivision boundary. Each lot owner shall be responsible for maintaining the portion of the fence on their lot to meet the specifications in Section 5-6-2(b) of the Ravalli County Subdivision Regulations. *(Effects on Public Health & Safety)*

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Section 3-2-8(b)(v), RCSR, Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
5. Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Corvallis School District stating that they have received a (to be determined at the Commissioner meeting) per lot contribution prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
8. The subdivider shall submit (to be determined at the Commissioner meeting) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*



9. The applicants shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Corvallis post office's standards, and that its installation has been approved by the Corvallis post office prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
10. The road maintenance agreement for the internal subdivision roads shall state that other parcels that may have beneficial use of the internal subdivision roads shall be allowed to join as members of the agreement without the consent of the current members. The two common accesses shall be exempt from this requirement. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
11. The internal subdivision roads shall be labeled as a "public road and utility easement" on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
12. Stop signs and road name signs shall be installed at the intersections of the internal subdivision roads with Corvallis Hills Drive and at the intersection of Corvallis Hills Drive with Mountain View Orchards Road prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety*)
13. The final plat shall show a no-ingress/egress zone along the Mountain View Orchards frontage of the subdivision, excepting the approved approaches to Corvallis Hills Drive and the two common accesses, as approved by the Ravalli County Road and Bridge Department. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety*)
14. Prior to final plat approval, the applicant shall construct an off-road bus shelter near the intersection of Corvallis Hills Drive and Mountain View Orchards Road. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
15. Prior to final plat approval, the applicant shall construct a school bus turnout lane on the Mountain View Orchards Road frontage of the property, near the intersection of Corvallis Hills Drive with Mountain View Orchards Road. Alternatively, the applicant shall submit documentation from the Corvallis School District that states they do not require a turnout on the property. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
16. The applicant shall provide for an additional 5 feet of public road and utility easement along the Mountain View Orchards Road frontage of the subdivision on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
17. The applicant shall provide evidence that the entire cost of the mitigation efforts identified in the Traffic Impact Analysis submitted for the subdivision, estimated at a total of \$5,341.00, has been paid to the Road and Bridge Department prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services & Public Health and Safety*)
18. The final plat shall show a 50-foot wide setback from the BRID Canal along the eastern boundary of the property. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities & Public Health and Safety*)
19. The no-build alteration zones, as proposed by the developer on the preliminary plat, shall be shown on the final plat. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Natural Environment & Wildlife and Wildlife Habitat*)

## **FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.*

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
  - a. Project name
  - b. Title block
  - c. Certificate of registered owner – notarized
  - d. Certificate of registered land surveyor with seal
  - e. Certificate of governing body approval
  - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
  - g. Certificate of public dedication
  - h. Certificate of park cash-in-lieu payment
  - i. Other certifications as appropriate
  - j. North arrow
  - k. Graphic scale
  - l. Legal description
  - m. Property boundaries (bearings, lengths, curve data)
  - n. Pertinent section corners and subdivision corners
  - o. Names of adjoining subdivisions/certificates of survey
  - p. Monuments found
  - q. Witness monuments
  - r. Acreage of subject parcel
  - s. Curve data (radius, arc length, notation of non-tangent curves)
  - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - u. Lots and blocks designated by number (dimensions/acreage)
  - v. Easements/rights of ways (location, width, purpose, ownership)
  - w. Dedication for public use
  - x. No-build/alteration zones
  - y. No-ingress/egress zones
  - z. Water resources (rivers, ponds, etc.)
  - aa. Floodplains
  - bb. Irrigation canals including diversion point(s), etc.
  - cc. High-pressure gas lines
  - dd. Existing and new roads (names, ownership, etc.)
  - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
  - ff. No-build/alteration zones shall be shown on the plat as shown on the preliminary plat.
  - gg. The internal subdivision roads shall be labeled as "public road and utility easements" on the final plat.
  - hh. The applicant shall provide for an additional 5 feet of public road and utility easement along the Mountain View Orchards Road frontage of the subdivision on the final plat.
  - ii. A 50-foot wide setback from the BRID Canal shall be shown along the length of the eastern property boundary.

3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
14. Evidence of Ravalli County approved road name petitions for each new road.
15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
17. Road certification(s).
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
26. The applicant shall pay the pro rata share of the cost to improve the portion of Popham Lane and Mountain View Orchards Road leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)
27. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement.

Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).

- a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of the CBU and concrete slab, school bus shelter at western property entrance, construction of the internal subdivision roads, chip-sealing Corvallis Hills Road, safety fencing along the BRID ditch, a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of), and installation of bus turnout, if required by the Corvallis School District.

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PREREQUISITES TO APPROVAL**

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### **Findings of Fact**

1. Existing utilities are located along Mountain View Orchards Road and Corvallis Hills Road. (Orchard Hills Estates Subdivision Application)
2. The internal subdivision roads provide for 60-foot wide access and utility easements. (Orchard Hills Estates Subdivision Application)
3. A 10-foot wide existing utility easement is located along the northern property line of Lots 15 and 16. (Orchard Hills Estates Subdivision File)
4. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

##### **Conclusion of Law**

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### **Findings of Fact**

1. The subdivision is accessed by Popham Lane, Mountain View Orchards Road, Corvallis Hills Drive, and the internal subdivision roads. (Orchard Hills Estates Subdivision Application)
2. Popham Lane and Mountain View Orchards Road are County-maintained roads, which provide legal and physical access. (RCSR – Exhibit A)
3. Corvallis Hills Road is a non-County-maintained, County standard road within a public easement that provides legal and physical access. (Orchard Hills Estates Subdivision File)
4. The applicant provided evidence that Corvallis Hills Road meets county standards. The RCRBD accepted the evidence that the road conforms to the county's adopted design standards, with the exception of a chip-seal coat. The applicant is proposing and will be required to chip-seal Corvallis Hills Road prior to final plat approval. (Effects on Local Services, Final Plat Requirement 27, and Exhibit A-13)
5. Lots 16 through 19 are proposed to be accessed via two common accesses. The common accesses have been built, and have received final approach permits from the Ravalli County Road and Bridge Department. (Orchard Hills Estates Subdivision File)
6. The applicant is required to pay the pro rata share of the cost to improve the portions of Mountain View Orchards Road and Popham Lane leading to the subdivision to meet County standards. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$57,373.81 in pro rata funds. (RCSR and Orchard Hills Estates Subdivision Application)
7. The applicant is proposing to construct the internal roads to meet County standards. (Orchard Hills Estates Subdivision Application)
8. The Road Department has granted preliminary approval of the road plans. (Exhibit A-12)
9. *To ensure legal and physical access to the subdivision, the following conditions and requirements shall be met:*

- *The applicant is required to pay the pro rata share of the cost to improve the portions of Popham Lane and Mountain View Orchards Road leading to the subdivision prior to final plat approval. (Final Plat Requirement 26)*
- *The applicant is required to submit final approval from the Road Department that the internal roads have been constructed to meet County standards prior to final plat approval. (Final Plat Requirements 1, 15, and 27)*
- *To ensure legal access, the applicant shall provide for 60-foot wide public road and utility easements for all the internal roads on the final plat. (Final Plat Requirement 2)*

#### Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided via Popham Lane, Mountain View Orchards Road, Corvallis Hills Road, and the internal roads.

#### **C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

##### Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 27):

- a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of the CBU and concrete slab, school bus shelter at western property entrance, construction of the internal subdivision roads, safety fencing along the BRID ditch, a water supply that meets the requirements of the Corvallis Fire District (if cash is not contributed in lieu of), and installation of a bus turnout, if required by the Corvallis School District.

#### Conclusion of Law

- The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

#### **D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

##### Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. An intermittent stream, Dry Creek, runs through the southern portion of Lots 15 and 16. The applicant does not have the right to take water from Dry Creek. (Orchard Hills Estates Subdivision File)

3. There are water rights associated with the subject property delivered via the BRID Canal. (Orchard Hills Estates Subdivision File)
4. The average lot size for this proposal is approximately 4.3 acres. (Orchard Hills Estates Subdivision File)
5. The land to be subdivided is subject to a contract with the Bitterroot Irrigation District (BRID), which is a public entity formed to provide the use of water rights for subdivided and unsubdivided property. (Orchard Hills Estates Subdivision File)
6. The subdivider is proposing to distribute irrigation water to Lots 12 through 19, and has received approval from BRID for the split of the water rights. According to BRID, each lot will be allocated 1.6 to 2.0 irrigated acres of water. (Orchard Hills Estates Subdivision File)
7. *Condition 1 notifies individual lot owners of the right to take water from the irrigation easement within the property, and that they do not have the right to water from Dry Creek.*

#### Conclusion of Law

With the requirements of final plat approval and the mitigating conditions of approval, this prerequisite has been met.

#### **E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

##### Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
  - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. The BRID Canal is located adjacent to the east. It is located within a 100' right-of-way. (Orchard Hills Estates Subdivision File)
3. The applicant is proposing an irrigation pipe within a 10-foot wide irrigation easement extending from the BRID canal, which will provide irrigation water to Lots 12 through 19. (Orchard Hills Estates Subdivision File)
4. An existing 10-foot irrigation pipeline easement and an existing 20-foot buried pipeline easement traverses Lots 8, 9, 12, and 19. The applicant is not proposing to alter the existing pipelines, and does not have the right to take water from the pipelines. (Orchard Hills Estates Subdivision File)
5. A drainage ditch exists near the eastern property boundary, and will be located within a proposed 10-foot wide drainage ditch easement. The applicant does not have the right to take water from this drainage ditch. (Orchard Hills Estates Subdivision File)
6. An existing irrigation ditch traverses Lots 10 and 11. The applicant does not have the right to take water from this ditch. (Orchard Hills Estates Subdivision File)
7. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
8. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*

- *The existing and proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
- *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
- *A notification that Lots 1 through 11 do not have the right to take water from any irrigation infrastructure shall be included in the notifications document. (Condition 1)*
- *The final plat shall show a 50-foot wide setback from the BRID Canal along the eastern boundary of the property. (Condition 18)*

#### Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

#### **F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

##### Findings of Fact

1. The application states that 1.66 acres are required to meet the parkland dedication requirement. (Orchard Hills Estates Subdivision File)
2. The applicant is proposing to donate cash-in-lieu of dedicating parkland. (Orchard Hills Estates Subdivision File)
3. In a letter dated April 15, 2007, the Ravalli County Park Board stated they preferred cash-in-lieu of parkland dedication. (Exhibit A-10)
4. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)
5. *The cash-in-lieu payment shall be made prior to final plat approval. (Final Plat Requirement 12)*

#### Conclusion of Law

The applicant has proposed parkland dedication that meets State Law and is suitable to the Park Board

#### **G. Overall Findings and Conclusions on Prerequisite Requirements**

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

#### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Orchard Hills Estates Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Orchard Hills Estates Subdivision File)



Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

**B. Applicable zoning regulations.**

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Orchard Hills Estates Subdivision File)

Conclusion of Law

This proposal complies with existing zoning regulations.

**C. Existing covenants and/or deed restrictions.**

Findings of Fact

1. There are existing covenants on the property. (Orchard Hills Estates Subdivision File)
2. The covenants prescribe basic land-use regulations, such as how small lots within proposed subdivisions may be. (Orchard Hills Estates Subdivision File)
3. The applicant has filed a covenant that will preclude the further subdivision of any of the lots created through this subdivision, once the final plat is filed. (Orchard Hills Estates Subdivision File)

Conclusion of Law

The proposal appears to comply with existing covenants.

**D. Other applicable regulations.**

Findings of Fact

1. Following are regulations that may apply to this subdivision:
  - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

**E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

**CRITERION 1: EFFECTS ON AGRICULTURE**

**Findings of Fact:**

1. The proposed major subdivision on approximately 81.57 acres will result in 19 lots that range in size from 2.00 acres to 9.52 acres. The property is located northeast of Corvallis off Mountain View Orchards Road. (Orchard Hills Estates Subdivision File)
2. The property is currently used for pasture land. (Orchard Hills Estates Subdivision File)
3. Parcels to the east and west are classified for tax purposes as farmstead rural, parcels to the south are classified for tax purposes as residential rural, and parcels to the north are classified for tax purposes as vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services and 2005 Aerial Photography created by the National Agricultural Imagery Program)
4. Roughly 36% of the property has updated soils information from the Web Soil Survey. The remainder is shown as being "NOTCOM" (or 'not completed'). However, the remainder of the soils are mapped on the 1959 *Special Soil Interpretations Report*. Refer to preliminary plat application for reference maps. (Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), and *Special Soil Interpretations Report*, published May 1959, Soil Conservation Service (NRCS))
5. According to the Web Soil Survey for Ravalli County, approximately 6.2% of the soils located on the property are categorized as "Prime farmland if irrigated". (Orchard Hills Estates Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
6. Approximately 64% of the subject property has not been mapped by the Web Soil Survey (WSS). In lieu of the WSS data, the US Department of Agriculture, Soil Conservation Service's "Special Soil Interpretations Report", states that there are two agricultural types of soil on the property: soil type B3h, which is a farmland of statewide importance, and soil type B3g, which is prime farmland if irrigated. According to the 1959 map, the soils compose approximately 25% of the total property. Refer to the application for reference maps. (*Special Soil Interpretations Report*, published May 1959, Soil Conservation Service (NRCS))
7. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansey and Spotted Knapweed were scattered on the property. (Orchard Hills Estates Subdivision Application)
8. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
9. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
  - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
  - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### Findings of Fact

1. The property has water rights from the Bitterroot Irrigation District (BRID). (Orchard Hills Estates Subdivision Application)
2. The subdivider is proposing to distribute irrigation water to Lots 12 through 19, and has received approval from BRID for the split of the water rights. According to BRID, each lot will be allocated 1.6 to 2.0 irrigated acres of water per lot. (Orchard Hills Estates Subdivision Application)
3. The BRID Canal is located along the eastern boundary of the subject property. (Orchard Hills Estates Subdivision File)
4. The diversion point from the BRID canal is located at the eastern point of the common boundary of Lots 9 and 10. From this point, a proposed pipeline located within a 10-foot wide easement will traverse the property to serve Lots 12 through 19. (Orchard Hills Estates Subdivision File)
5. In a letter dated March 18, 2008 and subsequent phone conversation on March 24, 2008, John Crowley, BRID manager, stated that the BRID canal is prone to seepage and requires regular maintenance, including the use of heavy equipment. Mr. Crowley requested that construction activities not be located within 50 feet of the canal, which will provide necessary room for equipment to perform maintenance. (Exhibits A-6 and A-7, Effects on Public Health and Safety)
6. Mr. Crowley requested that the developer install a safety fence along the toe of the canal for the entire length of the property, and that homes be set back 50 feet from the toe of the ditch. (Final Plat Requirement 27, and Exhibits A-6 and A-7)
7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
  - *All existing and proposed irrigation and drainage easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
  - *A notification and covenant stating that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications and covenants document. (Conditions 1 and 2)*
  - *A notification and covenant stating that Lots 1 through 11 do not have the right to take water from any irrigation infrastructure shall be included in the notifications and covenants document. (Conditions 1 and 2)*
  - *The final plat shall show a 50-foot wide setback from the BRID Canal along the eastern boundary of the property. Additionally, a statement in the notifications document and a covenant about the construction setback shall be included in the notifications and covenants document. (Conditions 1, 2, and 18)*
  - *Installation of safety fencing along the BRID ditch. (Final Plat Requirement 27)*
  - *The covenants shall include a provision detailing the maintenance of the safety fence along the BRID canal. (Condition 2)*

#### Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

#### **Findings of Fact:**

##### **Fire Department**

1. The subdivision is located within the Corvallis Rural Fire District. (Orchard Hills Estates Subdivision File)
2. The Fire District was notified of the proposal, but no comments specific to this subdivision have been received to date. (Orchard Hills Estates Subdivision File)
3. The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-5)
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
  - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
  - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
  - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
  - *Prior to final plat approval, the subdividers shall provide a letter from the Corvallis Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Corvallis Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
  - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Corvallis Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Corvallis Rural Fire District for further information". (Condition 6)*

##### **School District**

5. The proposed subdivision is located within the Corvallis School District. (Orchard Hills Estates Subdivision File)
6. It is estimated that nine to 10 school-aged children will be added to the Corvallis School District, assuming an average of 0.5 children per household. (Census 2000)
7. The applicant is proposing to contribute \$250 per lot to the School District, upon the first conveyance of each lot. (Orchard Hills Estates Subdivision File)
8. Notification letters were sent to the Corvallis School District requesting comments on February 13, 2007 and March 3, 2008. (Orchard Hills Estates Subdivision File)
9. In a letter received March 13, 2008 (Exhibit A-1), Daniel Sybrant, Corvallis Schools Superintendent, stated that new subdivisions "certainly create additional costs to this school district". Additionally, he stated the following:
  - (a) The recently completed impact fee study for the Corvallis School District indicates that \$6800.00 per lot is requested to offset the costs to capital facilities.
  - (b) That the BCC should negotiate a fair fee with developers that will help offset the actual costs of educating additional children.
  - (c) That bus turnouts as well as shelters for students to stand under in inclement weather be installed where appropriate.
10. Even though the Corvallis School District has completed an impact fee study, Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)

11. In his March 13, 2008 letter, Mr. Sybrant includes the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the tax levy per pupil, excluding capital, would be \$5,808 for the Corvallis School District. (Exhibits A-1 and A-3)
12. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Corvallis School District, if possible, to mitigate potential impacts of the additional students on the School District. (Condition 7 and Final Plat Requirement 24)*

#### Public Safety

13. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Orchard Hills Estates Subdivision File)
14. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on February 13, 2007 and March 3, 2008, but no comments have been received from the Sheriff's Office. (Orchard Hills Estates Subdivision File)
15. This proposed subdivision is located approximately 11 miles from the Sheriff dispatch in Hamilton. (Orchard Hills Estates Subdivision File)
16. The average number of people per household in Ravalli County is 2.5. (Census 2000)
17. This proposal will add approximately 48 people to Ravalli County. (Census 2000)
18. The applicant is not proposing a contribution to the Sheriff's Office, E-911, or the Department of Emergency Services for the potential 48 additional people. (Orchard Hills Estates Subdivision File)
19. To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit a (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)

#### Roads

20. There are 19 proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 152 vehicular trips per day, assuming eight trips per day per lot. (Orchard Hills Estates Subdivision File)
21. Popham Lane and Mountain View Orchards Road, County maintained roads, provides access to the site. (Orchard Hills Estates Subdivision File and Ravalli County GIS Data)
22. According to a November 2005 pro-rata estimate, there are 332 average daily vehicular trips (ADT) on Mountain View Orchards Road past the subdivision site. The ADT that may result from this subdivision has the potential to increase traffic volume on Mountain View Orchards Road by 46%. (Staff Determination)
23. Because the subdivision has the potential to generate traffic greater than 25% of the current traffic volume on Mountain View Orchards Road, the applicant was required to and did complete a Traffic Impact Analysis for the subdivision. (Orchard Hills Estates Subdivision File)
24. Mitigation identified by the applicant and agreed to by David Ohnstad, Ravalli County Road and Bridge Department Supervisor, includes the installation of advance warning signs, and the striping of portions of Mountain View Orchards Road. The total cost of the expected mitigation is \$5,341.00 and will be assessed in addition to the pro-rata payment. (Orchard Hills Estates Subdivision File)
25. The applicant is required to pay pro rata towards improving Popham Lane and Mountain View Orchards Road. (Section 5-4-5, RCSR)
26. The preliminary pro rata estimate included in the application projects that the applicant will be required to contribute approximately \$57,373.81 in pro rata funds. (RCSR and Orchard Hills Estates Subdivision Application)
27. Corvallis Hills Road is a non-County maintained road that meets current County road standards. (Orchard Hills Estates Subdivision File and Exhibit A-13)
28. The applicant is proposing to apply a chip-seal coat to the surface of Corvallis Hills Road from Mountain View Orchards Road to the BRID ditch. The chip-sealing is required to bring Corvallis

- Hills Road to full county standards. The chip-seal shall be completed prior to final plat approval. (Orchard Hills Estates Subdivision File, Final Plat Requirement 27, and Exhibit A-13)
29. There is a proposed Road Maintenance Agreement for the internal roads, Spartan Lane, Corvallis Hills Road, and Empire Court, and a proposed common access maintenance agreement for the two common accesses off Mountain View Orchards Road. (Orchard Hills Estates Subdivision File)
30. There are properties to the east that use Corvallis Hills Road for access to their property. Property owners of the properties to the east will continue to be able to utilize Corvallis Hills Road, and should be allowed to join the Road Maintenance Agreement for Corvallis Hills Road if they desire, without the consent of this subdivider. (Ravalli County GIS Data and RCSR Section 5-4-4(d))
31. The applicant is proposing stop signs and road name signs at the intersection of Spartan Lane with Corvallis Hills Drive, and at the intersection of Empire Terrace with Corvallis Hills Drive, but does not appear to be proposing stop and road name signs at the intersection of Corvallis Hills Drive with Mountain View Orchards Road. (Orchard Hills Estates Subdivision File)
32. The road plans for the internal subdivision roads have received preliminary approval from the Ravalli County Road and Bridge Department. (Exhibit A-12)
33. The existing easement for Mountain View Orchards Road is 50 feet. (Orchard Hills Estates Subdivision File)
34. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
- *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
  - *Prior to final plat approval, evidence of a Ravalli County approved road name petition for the new roads shall be provided. (Final Plat Requirement 14)*
  - *Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal. (Final Plat Requirement 16)*
  - *A Road Maintenance Agreement shall be signed, notarized, and submitted for the internal roads and common accesses. (Final Plat Requirement 19)*
  - *A notification of the Road Maintenance Agreement for the internal roads and common accesses shall be included in the notifications document filed with the final plat. (Condition 1)*
  - *The Road Maintenance Agreement shall state that other parcels that may have beneficial use of the roads shall be allowed to join as members of the agreement without the consent of the current members. (Condition 10)*
  - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
  - *Stop signs and road name signs shall be installed at the intersection of Spartan Lane with Corvallis Hills Drive, at the intersection of Empire Terrace with Corvallis Hills Drive, and at the intersection of Corvallis Hills Drive with Mountain View Orchards Road. (Condition 12)*
  - *The easements for the internal subdivision roads shall be labeled as public road and utility easements on the final plat. (Condition 11 and Final Plat Requirement 2)*
  - *The final plat shall show a no-ingress/egress zone along the Mountain View Orchards frontage of the subdivision, excepting the approved approaches to Corvallis Hills Drive and the two common accesses, as approved by the Ravalli County Road and Bridge Department. (Condition 13 and Final Plat Requirement 2)*
  - *A notification of this limitation of access will be included in the notifications document. (Condition 1)*
  - *The applicant shall submit the final approved approach permits from the Ravalli County Road and Bridge Department prior to final plat approval. (Final Plat Requirement 13)*

- *Prior to final plat approval, the applicant shall construct an off-road bus shelter near the western intersection of Corvallis Hills Drive with Mountain View Orchards Road and the internal subdivision road. (Condition 14)*
- *Prior to final plat approval, the applicant shall construct a school bus turnout lane on the Mountain View Orchards Road frontage of the property. Alternatively, the applicant shall submit documentation from the Corvallis School District that states they do not require a turnout on the property. (Condition 15)*
- *The applicant shall provide for an additional 5 feet of public road and utility easement along the Mountain View Orchards Road frontage of the subdivision on the final plat, as measured from the south property boundary. (Condition 16)*
- *The applicant shall provide evidence that the entire cost of the mitigation efforts identified in the Traffic Impact Analysis submitted for the subdivision, estimated at a total of \$5341, has been paid to the Road and Bridge Department prior to final plat approval. (Condition 17)*

#### Ambulance Services

35. Ambulance services will be provided by either Marcus Daly Memorial Hospital EMS Department or Missoula Emergency Services. Marcus Daly and Missoula Emergency Services were contacted, but no comments have been received to date. (Orchard Hills Estates Subdivision File)
36. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

#### Water and Wastewater Districts

37. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Orchard Hills Estates Subdivision File)

#### Solid Waste Services

38. Bitterroot Disposal provides service to this site. (Orchard Hills Estates Subdivision File)
39. Notification letters were sent to Bitterroot Disposal requesting comments on February 13, 2007 and March 3, 2008, but no comments have been received. (Orchard Hills Estates Subdivision File)

#### Mail Delivery Services

40. In a letter dated June 8, 2007 and subsequent email dated June 29, 2007, the United States Postal Service requested that the applicant install a Collective Box Unit (CBU) to receive mail, and a concrete slab to place the CBU upon. (Exhibit A-4)
41. *To mitigate impacts on local services, the applicants shall install the concrete slab and CBU, and provide evidence of its approval by the Corvallis post office prior to final plat approval. (Condition 9)*

#### Utilities

42. The proposed subdivision will be served by Northwestern Energy and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Orchard Hills Estates Subdivision File)
43. Notification letters were sent to the utility companies requesting comments on February 13, 2007 and March 3, 2008. (Orchard Hills Estates Subdivision File)
44. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*

- The applicant shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

#### **CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

##### Findings of Fact:

##### Air Quality

1. In an email dated January 10, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. There are no gravel roads accessing the subdivision. (Exhibit A-9)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)

##### Ground/Surface Water

4. The intermittent stream, Dry Creek, and its associated vegetation, traverses the southern portion of Lots 15 and 16. The applicant does not have the right to take water from Dry Creek. The developer is proposing a no-build/alteration zone from the top of the slope on Lots 15 and 16 to the southern property boundary. Because Dry Creek is an intermittent stream that drains less than 15 square miles, a floodplain analysis was not required to be completed. (Orchard Hills Estates Subdivision File)
5. The BRID canal borders the property on the east. An existing diversion is located at the easternmost point of the common boundary of Lots 9 and 10, which will provide Lots 12 through 19 with irrigation water. (Orchard Hills Estates Subdivision File)
6. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Orchard Hills Estates Subdivision File)
7. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-11, MCA 76-3-622)
8. The following conditions and requirements shall be met prior to final plat approval:
  - The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)
  - The no-build alteration zones as proposed by the developer on the preliminary plat shall be shown on the final plat. (Condition 19)
  - A notification of the no-build/alteration zones shall be included in the notifications document, and a covenant pertaining to the no-build/alteration zones shall be included in the covenants document. (Conditions 1 and 2)

##### Light Pollution

9. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and



energy waste are some of the components of light pollution. (International Dark-Sky Association, [www.darksky.org](http://www.darksky.org))

10. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

#### Vegetation

11. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Common Tansey and Spotted Knapweed were scattered on the property. (Orchard Hills Estates Subdivision Application)
12. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Willoughby Estates Subdivision Application).
13. The applicant has identified that wetland vegetation may be supported in the southern portion of Lots 15 and 16. (Orchard Hills Estates Subdivision File)
14. The applicant is proposing no-build/alteration zones along areas delineated as having slopes in excess of 25%. (Orchard Hills Estates Subdivision File)
15. There are scattered cottonwood trees and shrubby vegetation located along the stretch of Dry Creek as it traverses the property. The preliminary plat indicated that wetlands may also be located within this area. The developer is proposing a no-build/alteration zone from the top of the slope on Lots 15 and 16 to the southern property boundary. (Orchard Hills Estates Subdivision File)
16. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
17. *To mitigate impacts on the natural environment, the following conditions and requirements shall be met:*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
  - *A notification of the no-build/alteration zones shall be included in the notifications document, and a covenant pertaining to the no-build/alteration zones shall be included in the covenants document. (Conditions 1 and 2)*
  - *The no-build alteration zones as proposed by the developer on the preliminary plat shall be shown on the final plat. (Condition 19)*

#### Archaeological Resources

18. There are no known sites of historical significance on the property. (Willoughby Estates Subdivision Application)
19. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

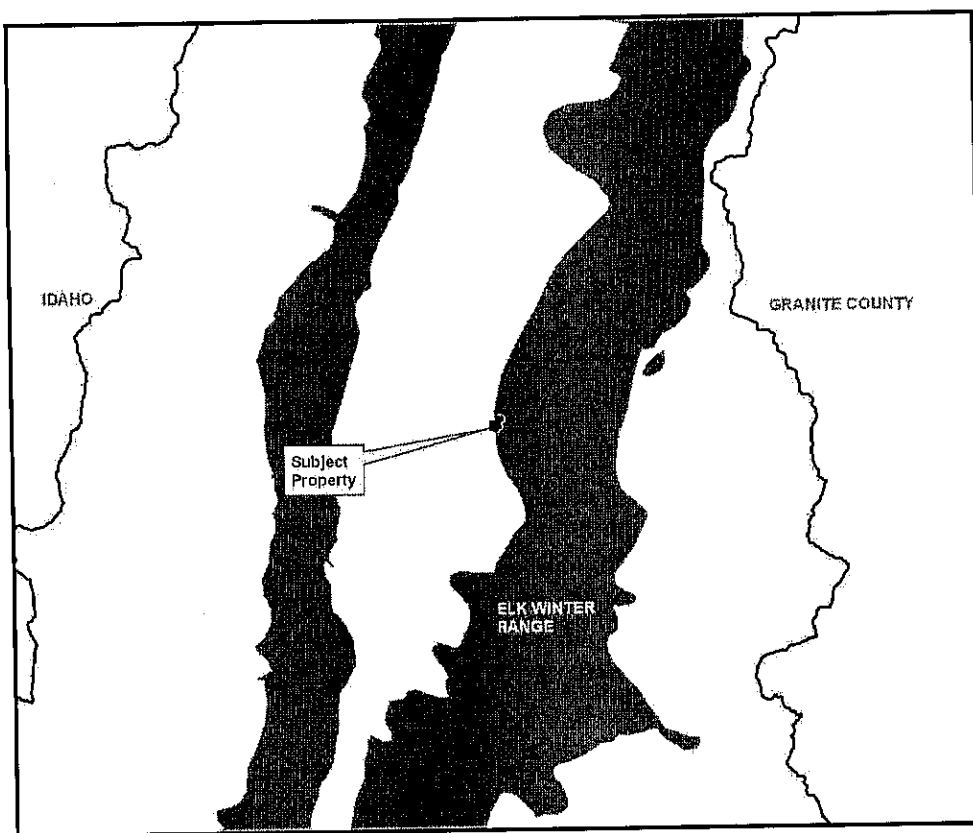
#### Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

## **CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

### **Findings of Fact:**

1. FWP has not yet commented on the proposal, but has recommended living with wildlife covenants for other subdivisions in the past. (FWP)
2. Planning staff contacted MFWP on March 14, 2008 to ascertain whether they would be commenting on the proposal. In an email response dated March 18, 2008, Sharon Rose, FWP employee, stated they may make comments in the future. Planning staff again contacted FWP on April 7 to determine whether comments would be submitted. As of the date of the issuance of this staff report, no comments have been received. (Exhibit A-16)
3. In a letter dated February 15, 2007, the Montana Natural Heritage Program found that there were no species of concern within the same sections as the subject property (Exhibit A-8).
4. Map 2 shows the elk winter range boundaries in relation to Orchard Hills Estates at a scale of 1:250,000. The data was created by FWP and the Rocky Mountain Elk Foundation at a scale of 1:250,000 and should not be used at a larger scale (zoomed in closer to Orchard Hills Estates). At this scale, the property appears to be located on the periphery of the winter range.



**Map 2: Elk Winter Range**  
(Source Data: FWP)

5. *To mitigate impacts on wildlife, the following conditions shall be met:*
  - *The covenants shall include a living with wildlife section. (Condition 2)*
  - *A notification of the no-build/alteration zones shall be included in the notifications document. (Condition 1)*
  - *A covenant regarding the no-build/alteration zones shall be included in the covenants document. (Condition 2)*
  - *The no-build alteration zones as proposed by the developer on the preliminary plat shall be shown on the final plat. (Condition 19)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

Findings of Fact:

Traffic Safety

1. Access is proposed off Mountain View Orchards Road, Corvallis Hills Road, and the internal subdivision roads. (Orchard Hills Estates Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Stevensville Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, Missoula Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Orchard Hills Estates Subdivision Application)
4. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Orchard Hills Estates Subdivision File)
6. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-11, MCA 76-3-622)
7. *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

8. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
9. The BRID canal is located along the entire eastern property boundary. In a letter dated March 18, 2008 and subsequent phone conversation on March 24, 2008, John Crowley, BRID manager, stated that BRID has concerns over children using the canal for recreation. A siphon is located approximately ¼ mile downstream and could endanger individuals using the ditch for recreation. In addition, Mr. Crowley stated that the BRID canal is prone to seepage and requires regular maintenance. Homes built too close to the toe of the canal could be endangered if the canal was to wash out. (Exhibits A-6 and A-7)
10. Mr. Crowley requested that the developer install a safety fence along the toe of the canal for the entire length of the property, and that homes be set back 50 feet from the toe of the ditch. (Exhibits A-6 and A-7)
11. According to the Web Soil Survey for Ravalli County, there are soils rated as "very limited" for building and road construction. (Orchard Hills Estates Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
12. Approximately 66 acres of the subject property have not been mapped by the Web Soil Survey (WSS). In lieu of the WSS data, the US Department of Agriculture, Soil Conservation Service's "Special Soil Interpretations Report", states that there is one type of soil rated as severe for

building and road construction. (*Special Soil Interpretations Report*, published May 1959, Soil Conservation Service (NRCS))

13. To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:

- To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)
- The covenants shall include a statement regarding radon exposure. (Condition 2)
- Safety fencing shall be installed along the toe of the canal on the entire eastern property boundary. (Final Plat Requirement 27)
- A 50-foot construction setback shall be shown along the length of the eastern property boundary. (Condition 18)
- A notification of the construction setback shall be included in the notifications document. (Condition 1)
- A covenant regarding the construction setback shall be included in the covenants document. (Condition 2)
- The covenants shall include a provision detailing the maintenance of the safety fence along the BRID canal. (Condition 2)
- Notifications of the "very limited" and "severe" soils in question shall be included in the notifications document. (Condition 1)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

# Corvallis School District #1

P.O. Box 700 / 1045 Main  
Corvallis, MT 59828

Phone: (406) 961-4211 Fax: (406) 961-5144

RECEIVED

MAR 14 2008

DC-08-03-250  
Reavali County Planning Dept.

**Daniel B. Sybrant**  
Superintendent  
961-4211

**Trevor Laboski**  
Principal  
High School  
961-3201

**Jason Wirt**  
Assistant Principal  
High School  
961-3201

**Rich Durgin**  
Principal  
Middle School  
961-3007

**Eric Larson**  
Assistant Principal  
Middle School  
961-3007

**Janice Stranahan**  
Principal  
Primary School  
961-3261

**Virginia Haines**  
Special Services  
Director  
961-3201

**Russ Hendrickson**  
Technology Director  
961-3201

**Wendy Ihde**  
Curriculum Director  
961-8772

**Vannesa Bargfrede**  
Business Manager  
District Clerk  
961-4211

March 13, 2008

Mr. John Lavey  
Planning Department  
215 South 4<sup>th</sup> Street, Suite  
Hamilton Montana 59840

EXHIBIT A-1

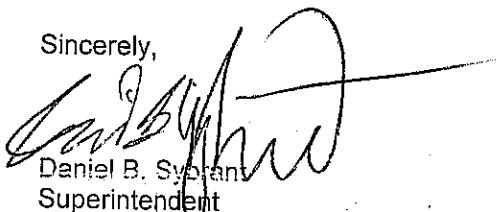
Agency Comment on Orchard Hills Estates Major Subdivision

Dear Mr. Lavey:

Thank you for the opportunity to comment on this subdivision. New subdivisions certainly create added costs to this school district. Not only is there cost for operations, but facilities as well. The Corvallis School District has recently completed an Impact Fee Study that allows up to \$6800.00 per septic permit for school construction. In addition to this, we have significant costs for operations for each additional student that comes into the district. I have enclosed for your review an estimate of what it costs to educate children in the Corvallis School District. For this and future subdivision requests, we ask you and the commissioners to negotiate a fair fee with developers that will help offset the actual costs of educating additional children. We also ask for appropriate bus turnouts as well as shelters for students to stand under in inclement weather where appropriate.

Again, thank you for the opportunity to comment on this subdivision.

Sincerely,



Daniel B. Sybrant  
Superintendent  
Corvallis School District

# Corvallis School District #1

P.O. Box 700 / 1045 Main  
Corvallis, MT 59828

Phone: (406) 961-4211 Fax: (406) 961-5144

**RECEIVED**

MAR 08 2007  
10-07-03-292  
Ravalli County Planning Dept.

**Daniel B. Sybrant**  
Superintendent  
961-4211

**Trevor Laboski**  
Principal  
High School  
961-3201

**Jason Wirt**  
Assistant Principal  
High School  
961-3201

**Tom A. Miller**  
Principal  
Middle School  
961-3007

**Rich Durgin**  
Assistant Principal  
Middle School  
961-3007

**Janice Stranahan**  
Principal  
Primary School  
961-3261

**Virginia Haines**  
Special Services  
Director  
961-3201

**Russ Hendrickson**  
Technology  
Coordinator  
961-3201

**Vannessa Bargfrede**  
Business Manager  
District Clerk  
961-4211

March 6, 2007

**EXHIBIT A-2**

Ravalli County Planning Office  
215 South 4<sup>th</sup> Street  
Suite F  
Hamilton Mt 59840

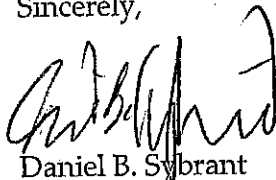
Dear Planning Department,

I have reviewed your letter in regards to the proposed major subdivision. The application is for a 19-lot major subdivision on 81.57 acres and one variance request. This property is located on Orchard Hills Estates (Wil-Rock, LLC) in Ravalli County.

We have no specific objection to this subdivision. As we have stated before, growth in student numbers continues to affect our district infrastructure and bussing system.

In general, we ask that appropriate student safety measures be considered when designing this subdivision. We also ask that you consider a reasonable per lot donation to the school district to help mitigate the impact on our school.

Sincerely,



Daniel B. Sybrant

dbb/lh

## Budget Per Pupil/Tax Levy Per Pupil

Year 2006-07

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	8,311,918	1,431	5,808
Stevensville Elem	4,240,944	582	7,287
Stevensville HS	3,760,312	450	8,356
Hamilton	9,924,343	1,558	6,370
Victor	2,125,504	316	6,726
Darby	3,718,565	458	8,119
Lone Rock Elem	1,757,258	292	6,018
Florence	5,655,692	991	5,707

**EXHIBIT A-3**

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect only budget and revenue only from state and county sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil	Total Capital	Tax Capital Per Pupil	Total Tax Levy	Tax Levy Per Pupil
Corvallis	1,604,715	1,431	738,993	1,638	251,788	175.95	2,595,496	1,814
Stevensville Elem	866,142	582	392,769	2,163	114,896	197.42	1,373,807	2,360
Stevensville HS	1,142,259	450	344,437	3,304			1,486,696	3,304
Hamilton	2,694,239	1,558	883,021	2,296	886,052	568.71	4,463,312	2,865
Victor	60,993	316	201,481	831	80,803	255.71	343,277	1,086
Darby	898,318	458	400,506	2,836	80,794	176.41	1,379,618	3,012
Lone Rock Elem	364,386	292	189,825	1,898	107,770	369.08	661,981	2,267
Florence	1,196,601	991	552,197	1,765	68,777	69.40	1,817,575	1,834

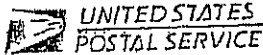
\* County levied Retirement and Transportation

BIG SKY DISTRICT  
GROWTH MANAGEMENT

RECEIVED

JUN 10 2007

Ravalli County Planning Dept.



10-07-06-729

June 8, 2007

## EXHIBIT A-4

To: County Planning Office

Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day-one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas  
Growth Management Coordinator  
Big Sky District



Randy Fifrick

---

**From:** Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]  
**Sent:** Friday, June 29, 2007 9:26 AM  
**To:** Randy Fifrick  
**Subject:** RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas  
Operations Programs Support

-----Original Message-----

**From:** Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]  
**Sent:** Tuesday, June 26, 2007 8:59 AM  
**To:** Wyrwas, Mike - Billings, MT  
**Subject:** Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

# EXHIBIT A-5

RECEIVED

SEP 13 2005

2 Districts.

**H**amilton  
Rural Fire  
DISTRICT

Consensus of All Valley Fire  
Council.

Ravalli County Planning Dept.  
TC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

## FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

### ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

**18.2.2.3.1 Required Access.** Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

**18.2.2.5.1 Dimensions.** Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

**18.2.2.5.2 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

**18.2.2.5.6 Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

**EXCEPTIONS: 1.** When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

**While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.**

**SPECIFIC REQUIREMENTS:**

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

**BUILDING STANDARDS**

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

**WATER SUPPLY**

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

**EXCEPTIONS:** 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

# EXHIBIT A-6

Conversation with John Crowley, from BRID

John Crowley from BRID talked about the importance of building safety fencing along the length of the BRID canal as it moves past Orchard Hills Estates. He finds it very important to protect children from playing within the canal. There is a siphon about  $\frac{1}{4}$  mile downstream that could drown children, and he feels the safety fence will help keep kids out of the ditch.

John also has concerns that homes not be built too close to the "toe" of the ditch. He requested that a 50-foot setback be put in place along the length of the ditch. The ditch along this section of property is prone to seeps, and if it were to wash out, an extra buffer from the ditch might help to protect any homes built.

John Lavey, March 24, 2008

# *Bitter Root Irrigation District*

1182 Lazy J. Lane • Corvallis, Montana 59828 • (406) 961-1182

## EXHIBIT A-7

MARCH 18, 2008

RAVALLI COUNTY PLANNING DEPT.  
215 S. 4<sup>TH</sup> ST. SUITE 'F'  
HAMILTON, MT. 59840

MAR 19 2008  
IC-08-03-262  
Ravalli County Planning Dept.

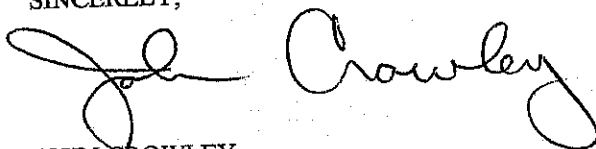
RE: AGENCY COMMENT ON ORCHARD HILLS ESTATE MAJOR SUBDIVISION

PLANNING DEPARTMENT,

THE BITTER ROOT IRRIGATION DISTRICT DISCUSSED THE ORCHARD HILLS ESTATES SUBDIVISION AT OUR REGULAR BOARD MEETING HELD ON MARCH 11<sup>TH</sup>. THE APPLICANT, WIL-ROCK, LLC HAS RECEIVED APPROVAL FOR WATER ALLOCATION AND WATER DELIVERY SYSTEM FROM THE BOARD AT A PREVIOUS BOARD MEETING. AT THE MARCH 11<sup>TH</sup> MEETING, THE BOARD DISCUSSED EFFECTS OF THIS SUBDIVISION ON OUR CANAL WHICH IS ADJACENT TO THIS LAND. AFTER DISCUSSION, THE BOARD WOULD LIKE TO EXPRESS CONCERNS IN REGARDS TO FENCING OFF THIS SUBDIVISION ALONG THE TOE OF THE CANAL AND BEYOND THE DISTRICT'S RIGHT OF WAY. SAFETY AND LIABILITY ISSUES ARE OF GREAT CONCERN TO THE DISTRICT AND STRONGLY FEEL LIKE THE COUNTY SHOULD QUESTION AND ADDRESS THESE ISSUES AS YOU MAKE DETERMINATIONS ON THIS PROPOSAL.

THANK YOUR FOR YOUR CONSIDERATION.

SINCERELY,



JOHN CROWLEY  
BRID MANAGER



MONTANA  
**Natural Heritage  
Program**

**EXHIBIT A-8**

RECEIVED  
FEB 16 2007  
EC-07-02-195  
Ravalli County Planning Dept.

P.O. Box 201800 + 1515 East Sixth Avenue + Helena, MT 59620-1800 + fax 406.444.0581 + tel 406.444.5354 + <http://mtnhp.org>

February 15, 2007

John Lavey  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

Dear John,

I am writing in response to your request for information on plant and animal species of special concern in the vicinity of the Orchard Hills Estates project in T07N, R20W, Section 23 in Ravalli County. We checked our databases for information in this general area and have enclosed 3 species of concern reports and one map.


Please keep in mind the following when using and interpreting the enclosed information and maps:

- (1) These materials are the result of a search of our database for species of concern that occur in an area defined by requested township, range and sections with an additional one-mile buffer surrounding the requested area. This is done to provide you with a more inclusive set of records and to capture records that may be immediately adjacent to the requested area. Reports are provided for the species of concern that are located in your requested area with approximately a one-mile buffer. Species of concern outside of this area may be depicted on the map but are not reported.
- (2) On the map, polygons represent one or more source features as well as the locational uncertainty associated with the source features. A source feature is a point, line, or polygon that is the basic mapping unit of an EO Representation. The recorded location of the occurrence may vary from its true location due to many factors, including the level of expertise of the data collector, differences in survey techniques and equipment used, and the amount and type of information obtained. Therefore, this inaccuracy is characterized as locational uncertainty, and is now incorporated in the representation of an EO. If you have a question concerning a specific EO, please do not hesitate to contact us.
- (3) This report may include sensitive data, and is not intended for general distribution, publication or for use outside of your agency. In particular, public release of specific location information may jeopardize the welfare of threatened, endangered, or sensitive species or communities.
- (4) The accompanying map(s) display management status, which may differ from ownership. Also, this report may include data from privately owned lands, and approval by the landowner is advisable if specific location information is considered for distribution. Features shown on this map do not imply public access to any lands.
- (5) **Additional information on species habitat, ecology and management is available on our web site in the Plant and Animal Field Guides, which we encourage you to consult for valuable information. You can access these guides at <http://mtnhp.org>. General information on any species can be found by accessing the link to NatureServe Explorer.**

The results of a data search by the Montana Natural Heritage Program reflect the current status of our data collection efforts. These results are not intended as a final statement on sensitive species within a given area, or as a substitute for on-site surveys, which may be required for environmental assessments. The information is intended for project screening only with respect to species of concern, and not as a determination of environmental impacts, which should be gained in consultation with appropriate agencies and authorities.

I hope the enclosed information is helpful to you. If you would prefer to receive an electronic PDF file instead of a paper report, please let me know. Please feel free to contact me at (406) 444-3009 or via my e-mail address, below, should you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Lloyd".

Kathy Lloyd  
Montana Natural Heritage Program  
klloyd@mt.gov





## *Dolichonyx oryzivorus*

Element Occurrence Map Label: 16311

Element Subnational ID: 13681

EO Number: 59574

Common Name: Bobolink

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

### Natural Heritage Ranks:

State: S2B

Global: G5

### Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data

## *Contopus cooperi*

Element Occurrence Map Label: 12651

Element Subnational ID: 13225

EO Number: 73398

Common Name: Olive-sided Flycatcher

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

### Natural Heritage Ranks:

State: S3B

Global: G4

### Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

EO Rank:

EO Data

## *Corynorhinus townsendii*

Element Occurrence Map Label: 17105

Element Subnational ID: 14347

EO Number: 4984

Common Name: Townsend's Big-eared Bat

Species of Concern (Y) / Potential Concern (W): Y

First Observation Date:

Description: Vertebrate Animal

Last Observation Date:

### Natural Heritage Ranks:

State: S2

Global: G4

### Federal Agency Status:

U.S. Fish & Wildlife Service:

U.S. Forest Service: SENSITIVE

U.S. Bureau of Land Management: SENSITIVE

EO Rank:

EO Data



## Inferred Extent Report

**Inferred Extents** are areas that can be inferred to be probable occupied habitat based on the spatial location of the direct observation of a species and general information available for the foraging area or home range size of the species.

Inferred Extent For: *Myotis thysanodes*

Common Name: Fringed Myotis

Inferred Extent Map Label: IE- 17012



Montana Department of  
**ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • [www.deq.mt.gov](http://www.deq.mt.gov)

## EXHIBIT A-9

November 9, 2007

Dear Interested Party:

The U.S. Environmental Protection Agency (EPA) recently revised the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The NAAQS are nation-wide air quality standards established to protect the public from unhealthy levels of air pollution. EPA's revised PM NAAQS took effect on December 18, 2006.

The Montana Department of Environmental Quality (DEQ) evaluated air quality monitoring data across the state and determined that Missoula, Lincoln, and Ravalli Counties fail to meet the PM NAAQS. The Governor is required to notify EPA of all counties violating the PM NAAQS by December 18, 2007. EPA is then required to take final action on the Governor's recommended "nonattainment area" list by December 18, 2008 and officially confirm their status as nonattainment areas. As a consequence of EPA designation of nonattainment, Congress directs states to submit a federally enforceable air pollution control plan to EPA for approval.

In Ravalli County, new air quality regulations on motor vehicles, wood stoves, open burning, and industrial operations must be developed and will likely affect many county residents. Proactively, DEQ would like to work with local governments, the potentially regulated community, and other interested parties to identify and develop the new regulations to control the sources of particle matter air pollution in Ravalli County. DEQ representatives will hold the initial meeting with interested parties in the Ravalli County Commission meeting room on Wednesday, December 12, 2007 from 1 to 3 PM.

If you have any questions, please contact me or Bob Habeck ([bhabeck@mt.gov](mailto:bhabeck@mt.gov) or 444-7305). Please feel free to copy and distribute this notice to any parties you believe might be interested in this matter. Thank you for your efforts in protecting Ravalli County's clean air resource.

Robert K. Jeffrey  
Air Quality Specialist  
Air Resources Management Bureau  
Montana Dept. of Environmental Quality  
POB 200901 Helena, MT 59620-0901  
Voice (406)444-5280; fax 444-1499  
[rjeffrey@mt.gov](mailto:rjeffrey@mt.gov)

**Randy Fifrick**


---

**From:** Jeffrey, Robert [rjeffrey@mt.gov]  
**Sent:** Monday, December 31, 2007 12:22 PM  
**To:** Randy Fifrick  
**Cc:** Habeck, Bob; Wolfe, Debra; Merchant, Eric; Lea Jordan; Morgan Farrell  
**Subject:** RE: Ravalli Co Air Quality

Hi Randy-

Thanks for your questions and sorry for my delayed reply - the demands of the holiday season caught up to me after our Dec. 12th meeting in Hamilton. Before I comment on your wood stove covenant, I would like to caveat my reply and state that I assume the subdivision review and approval process in Ravalli County stresses energy conservation as a very high priority, if not the highest, and it specifically discusses energy conservation in new home/business/commercial construction. In my opinion, it's purely a matter of common sense to stress energy conservation first before one decides on the selection of heating and cooling systems. With those comments in mind, I would slightly revise the text of your wood stove covenant to read as follows:

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The county further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the county strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers a generous Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the **Warm Hearts, Warm Homes** webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Effects on the Natural Environment*)

Thanks for sharing this wood stove covenant statement with us. On the subject of education, DEQ is contemplating the revision of one of our older educational brochures on how to properly operate a wood stove to reduce air pollution. If DEQ were to print copies of a revised wood burning brochure, would the Ravalli County planning department consider including a copy of that brochure in their correspondence with building permit applicants? Thanks for partnering with DEQ as we work on improving and protecting the air quality in the Bitterroot Valley. If you have any questions, please contact me. Bob

Robert K. Jeffrey  
 Air Quality Specialist  
 Air Resources Management Bureau  
 MT Dept. of Environmental Quality  
 (406) 444-5280; fax 444-1499  
 Email: [rjeffrey@mt.gov](mailto:rjeffrey@mt.gov)

---

**From:** Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]  
**Sent:** Thursday, December 13, 2007 1:49 PM  
**To:** Jeffrey, Robert

1/16/2008

**Subject:** Ravalli Co Air Quality

Hi Robert,

I attended your initial meeting Wednesday afternoon in the Commissioners room. I work primarily on subdivision review for the county. Currently we include the following covenant in the conditional approval of new subdivisions:

**Wood Stoves.** The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves are not the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit (<http://mt.gov/Revenue/energyconservation.asp>) for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. (*Effects on the Natural Environment*)

Currently we can not do anything more than recommend this condition as our legal counsel has advised us anything more would be to close to a building code. The Planning Dept feels like education is important aspect of improving air quality in Ravalli County and we hope that this statement helps to educate the public.

What do you think of this statement and is there anything else we could do through our subdivision review process to mitigate the effects of new development on air quality in the county.

Thanks,

Randy Ffrick  
Ravalli County Assistant Planner  
215 S 4th St, Suite F  
Hamilton, MT 59840  
406-375-6530  
[rffrick@ravallcounty.mt.gov](mailto:rffrick@ravallcounty.mt.gov)

1/16/2008

April 15, 2007-04-15

John Lavey  
Planning Department  
215 S 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

## EXHIBIT A-10

RECEIVED  
APR 16 2007  
16-0704-478  
Ravalli County Planning Dept.

Subject: Orchard Hills Estates Major Subdivision

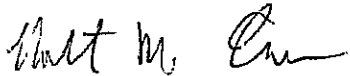
Dear John:

Thank you for providing the Ravalli County Parks Board with a preliminary plat for Orchard Hills Estates. This is a major subdivision proposal with 19 lots on 81 acres.

The required recreation land dedication for this subdivision would be approximately 1.66 acres. We, however, prefer cash-in-lieu since the no build dedications shown adjacent to the canal and along the stream would not be suitable for park purposes.

Please don't hesitate to contact us further if there are questions.

Sincerely,



*for*  
Gary Leese  
Chairperson  
Ravalli County Park Board

cc: Willie Schrock  
Applebury Survey

RECEIVED

APR 25 2006  
10-06-04-639  
Ravalli County Planning Dept.

EXHIBIT A-11



Environmental Health  
215 South 4<sup>th</sup> - Suite D  
Hamilton, MT 59840  
(406)375-6268 FAX (406)375-2048

MEMORANDUM

TO: Ravalli County Planning Department

FROM: Morgan T. Farrell, R.S., Environmental Health

DATE: 4-24-06

RE: ORCHARD HILL ESTATES

The Ravalli County Environmental Health Department has received the above-referenced proposal for review. Based on the information provided, the application appears to be sufficient for subdivision review. The Sanitation in Subdivision review will be completed in accordance with the contract with the Department of Environmental Quality. Additional questions or comments may be required based upon the continued review of this file and the content of future submittals.

*Willie Schrock*  
*RAND Engineering*



## ROAD AND BRIDGE DEPARTMENT

244 FAIRGROUNDS ROAD

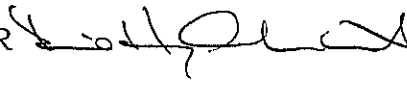
HAMILTON, MONTANA 59840

TELE: 406.363.2733 • FAX: 406.363.6701

RECEIVED

APR 06 2007  
1607-04-432  
Ravalli County Planning Dept.

### EXHIBIT A-12

DATE 05 APRIL 2007  
TO RAVALLI COUNTY PLANNING DEPARTMENT  
FROM DAVID H. OHNSTAD, COUNTY ROAD SUPERVISOR   
SUBJECT ORCHARD HILLS PRELIMINARY DESIGN REVIEW

Attached please find analysis and comment from Ravalli County's consulting engineers relative to the preliminary roadway and drainage design submittal for the proposed Orchard Hills subdivision. The Road & Bridge Department will approve this preliminary design, with the expectation that those issues identified in the consulting engineer's reports of 05 September, 18 October 2006 and the Preliminary Review Completion report of 30 March 2007 will be addressed completely and appropriately through the final design process.

Review of the Traffic Impact Analysis submitted for this project is attached.



## David Ohnstad

---

**From:** David Ohnstad  
**Sent:** Friday, March 30, 2007 2:36 PM  
**To:** John Lavey  
**Cc:** 'Jonathan Gass'; Renee Van Hoven  
**Subject:** traffic impact analysis - orchard hills estates

John -

We have reviewed the Traffic Impact Analysis that was submitted for the Orchard Hills Estates subdivision proposal.

We would tend to agree that the potential impacts from this development to Mountain View Orchard Road north of Corvallis Hills Drive and Summerdale Road south of Popham Lane would likely be minimal. Popham lane west of Sutherland Road would likely accommodate the additional traffic with little effect, although this roadway has a significant vertical curve immediately west of Sutherland Road that impacts sight distance and the roadway shoulders are narrow - in places non-existent. Together with the encroachment of private properties (utility poles, irrigation canals) the appropriate clear-zones are not sufficient for existing traffic, let alone additional volumes.

We do not agree that the impacts from this development on the segment of Popham Lane between Sutherland Road and Mountain View Orchard Road do not require mitigation. We find that abrupt and vertical in-slopes in certain areas of this segment, significant and sub-standard horizontal and vertical curvature, speed reduction advisories and sight-distance compromised intersections at Summerdale Road, Simpson Road and Holloran Road will require mitigation in addition to "pro-rata" assessments for the entire length of the county roadways leading from the development to SR269. At the minimum, this segment should be further assessed by the design engineer for guardrail installation, and for advance warning and speed reduction advisory traffic control signing and for roadside and object delineation.

That analysis should be submitted to the Road & Bridge Department for review.

David



**ENGINEERING  
SURVEYING  
PLANNING**

3021 Palmer • P.O. Box 16027 • Missoula, Montana 59808-6027

(406) 728-4611  
FAX: (406) 728-2476  
wgmgroup.com

**DATE:** March 30, 2007  
**TO:** David Ohnstad, Ravalli County Road & Bridge Department  
**CC:** Ron Uemura, PE, RAM Engineering  
**FROM:** Jonathan L. Gass, P.E.  
**RE:** Orchard Hills Estates Preliminary Review Completion

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Office to be included with the full subdivision application.

The following comments will need to be addressed with the final plan submittal.

1. We assume discharge to and improvements proposed for the irrigation ditch has been approved by the appropriate ditch company. Please confirm.
2. Please demonstrate the irrigation ditch is able to handle the concentrated flows from lots 1-6. Where does this drainage discharge?

Preliminary comments were sent to the design engineer in accordance with Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. We are now sending this letter to your office in accordance with Step 7 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We were also asked to verify that Corvallis Hills Drive meets Ravalli County road standards in order for the planning board to schedule a hearing for this project. We received confirmation from the design engineer that the pavement width for Corvallis Hills Drive is 24 feet. Based on this information, the road appears to meet Ravalli County road standards. Please refer to the attached fax from RAM Engineering.

Further, we reviewed the Traffic Impact Study submitted for this project. We find the study meets the requirements of the subdivision regulations.

We have included a copy of the following with this letter:

- 1) Preliminary comment memo from WGM Group, dated 09/05/06
- 2) Preliminary comment response from RAM Engineering, dated 9/22/06

- 3) WGM Group response to design engineer comments, dated 10/18/06
- 4) RAM Engineering response, dated 11/11/06
- 5) Fax from RAM Engineering re: Corvallis Hills Drive, dated 3/6/07

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



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3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

Phone: (406)728-4611  
Fax: (406)728-2476  
www.wgmgroup.com

**DATE:** September 5, 2006

**TO:** Ron Uemura, PE, RAM Engineering

**CC:** David Ohnstad, Ravalli County Road & Bridge Department

**FROM:** Jonathan L. Gass, P.E.

**RE:** Orchard Hills Estates Preliminary Review Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has completed a review of the preliminary grading and drainage plans and reports submitted by your office. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

#### **Roadways**

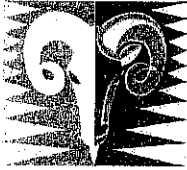
- 1) The pavement design prepared by Orion Engineering recommends a pavement section of 2.5" of asphalt, 4" of 1 ½" crushed base course and 9" of 3" crushed subbase course. The typical road section on Sheet 2 of the submitted plans shows 7" of 3" subbase course. Please revise the plans to match the pavement design by Orion Engineering.
- 2) The sight distance triangles appear to be based on a design speed of 25 mph for Corvallis Road. Please confirm that 25 mph is an appropriate speed for Corvallis Road.
- 3) Based on sight visit observations, it appears available sight distance for a motorist turning left onto Corvallis Lane from Spartan Lane may be limited due to existing vegetation and existing horizontal and vertical curves on Corvallis Road. Please confirm that the required sight distance will be provided.
- 4) The Schedule for Roadway Design for Empire Court lists a Design Speed of 15 mph and a Posted Speed of 25 mph. The Ravalli County Subdivision

Regulations require a minimum design speed of 25 mph for local low volume roads. Please revise the design or request a variance from the subdivision regulations.

### **Storm Drainage**

- 1) It appears the left side ditch of Spartan Lane from approximate station 8+50 to the end of the cul-de-sac will concentrate flow discharge onto a hillside with a 10% slope. Please address the effects of this concentrated flow.
- 2) The Ravalli County Subdivision Regulation 3-2-16 (b) states that grading plans be prepared in accordance with DEQ Circular 8. Several items required by DEQ Circular 8 are not address in the drainage report. These include (but are not limited to) locations of wells and drainfields within 200' of areas where runoff will discharge into the ground, analysis of a 100-year storm event to show peak flows will not inundate any home sites or drainfields, analysis showing void space of an infiltration sump can contain the entire runoff volume for the design event, and a list of the percolation rate of the soils at the depth of the infiltration. Please revise the drainage report to address these items and resubmit for preliminary review.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



## **RAM Engineering**

Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238  
Fax (406) 363-1880  
Email: ramengineer@hotmail.com

# Memo

**To:** Jonathan L. Gass, PE, WGM Group, Inc.  
**From:** Ron Uemura, PE  
**Date:** September 22, 2006  
**Re:** Orchard Hills Estates

---

This response is in order of your preliminary review comments dated 9/5/06:

### Roadways

- ✓1. We have revised the plans to match the pavement design recommendations by Orion Engineering. See attached plans.
- ✓2. Corvallis Hills Drive is a privately maintained road. It is not on the Road Department's list, therefore, a 25mph speed limit is appropriate in accordance with the Subdivision Regulations.
3. Attached are sketches showing the sight triangles for the intersection of Spartan Lane and Corvallis Hills Drive. We fail to see your concerns of the available sight distance due to vegetation (which can be trimmed back if necessary), horizontal and vertical curves (where?).
4. The schedule should have indicated a design and posted speed limits of 15 mph. Attached is the corrected sheet. We feel that it is reasonable to set this lower speed because of the very short road length, therefore, we request a variance from the speed limit requirement for this specific case.

### **Storm Drainage**

1. Attached are the 100-year frequency storm runoff calculations for the roadway swales that may be affected. The depth of the runoff in the roadside swale would be about 0.5' deep with a velocity of about 3 fps. The swale would be spread out beyond the cul de sac to allow the runoff to dissipate into the upper part of Lot 15, away from the existing improvements, drainfield, or well in that lot.
2. The Grading & Drainage Plan and Report have already been reviewed by the DEQ. FYI - attached is a copy of Sheet 1/7 showing the location of the proposed drainfields and wells within 200' of the grated inlet in Empire Court. We have also included a 12" culvert from the proposed grated inlet in Empire Court so your request for percolation rates is unnecessary.
3. Attached is a copy of the revised Roadway, Grading & Drainage Plan.



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3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

Phone: (406)728-4611  
Fax: (406)728-2476  
www.wgmgroup.com

**DATE:** October 18, 2006  
**TO:** Ron Uemura, PE, RAM Engineering  
**CC:** David Ohnstad, Ravalli County Road & Bridge Department  
**FROM:** Jonathan L. Gass, P.E.  
**RE:** Orchard Hills Estates Response to Design Engineer Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our initial preliminary review comments for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Preliminary review comments have been addressed with the following exceptions. (Numbers used below reference comments from the initial preliminary comment memorandum.)

#### **Roadways**

3. The final design shall incorporate vegetation removal within the Corvallis Hills Drive right-of-way as necessary to provide appropriate clear sight distance.
4. Because of the short road length and few houses that will use this road, we agree that a 15 mph design speed is adequate. However, that planning department may require a formal variance request from section 5-4-4, Table B-1 of the Ravalli County Subdivision Regulations which lists a minimum design speed of 25 mph for local low volume roads.

#### **Storm Drainage**

1. Final designs shall incorporate design measures to dissipate the ditch flows as they discharge from the ditch.
2. Please provide a description of the drainage way that will receive runoff from lots 1-6. Is this drainage able to handle the concentrated flows from these lots? Where does this drainage discharge?

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.





## **RAM Engineering**


Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238

Fax (406) 363-1880

Email: ramengineer@hotmail.com

# Memo

**To:** Jonathan L. Gass, PE  
**From:** Ron Uemura, PE.   
**CC:** David Ohnstad, RCRBD & Applebury Survey (memo only)  
**Date:** November 11, 2006  
**Re:** Orchard Hills Estates

---

Attached is a set of revised roadway drawings to address your comments dated October 18, 2006.

- ✓1. We have included a note on the drawings regarding the removal of any vegetation at the intersections upon completion of the construction work.
- ✓2. By copy of this memo, we will notify Applebury Survey to include a variance request to the Planning Department for the 15 mph design speed for Empire Court.
- ✓3. We have incorporated check dams (cobbles) to help dissipate the flow of stormwater runoff in the roadside ditches.
- 4. There is an existing irrigation ditch system running from Corvallis Hills Drive to the west side of Lot 5. We have improved this system into a pipe culvert and included the runoff from the drywell in Empire Court.

This should complete Step 6 and we look forward to a favorable response back to the RCRBD.

**RECEIVED**  
NOV 13 2006

**AGM GROUP, INC.**

**RAM Engineering**

Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238  
Fax (406) 363-1880  
Email: ramengineer@hotmail.com

# Fax

**To:** Jon Gass, PE, WGM Group, Inc. **From:** Ron Uemura, PE  
**Fax:** 728-2476 **Pages:** 2  
**Phone:** 728-4611 **Date:** 3/6/2007  
**Re:** Orchard Hills Estates **CC:** Applebury Survey, Inc.

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

**• Comments:**

Jon, the Planning Department is requesting confirmation that Corvallis Hills Drive, a privately-maintained road, conforms to the County road standards. As you may recall, we sent you a copy of Orion Engineering Pavement Section Recommendations, dated February 8, 2006. Their subsurface investigation revealed that the roadway consisted of 2" AC over a 10" - 24" BC, which complied with the previous road standards. A copy is attached for your review. Our field measurements also confirmed the 24' pavement width.

Please don't hesitate to call me if you should have any questions.

Thank you.

File \_\_\_\_\_ Sub \_\_\_\_\_ No. \_\_\_\_\_



2614 Murphy Street, Missoula MT 59808

406-543-3100 • fax 406-721-6629

mdworsky@orioneng.net

February 8, 2006

Ron Uemura  
RAM Engineering  
P.O. Box 2130  
Hamilton, MT 59840

RE: **Willrock Subdivision Pavement Section Recommendations**  
*Corvallis, MT*

Dear Mr. Uemura,

This letter follows our investigation of the proposed development on February 1, 2006 and phone conversation on February 7, 2006. The project includes an evaluation and pavement section design of an existing 2500-foot road, and a pavement section design for a new 1400-foot road and a new 400-foot road.

#### Scope of Work

We used the Orion drill to evaluate the existing road and the proposed new roadway sections. We performed perform four (4) soil borings for the existing 2500-foot paved road, two (2) soil borings for the new 1400-foot road, and one (1) boring for the new 400-foot road. We performed Standard Penetrometer Tests (SPT) and gathered representative samples.

#### Findings

Subsurface materials for the existing 2500-foot road consisted of 2-inches of Asphalt pavement over 10-inches to 2.0-feet of medium dense Poorly Graded Gravel (GP-GM) and Silty Sand (SM) base course. Native subgrade consisted of a dense Silty Sand with gravel, stiff Silt with gravel, and dense Sand with gravel. Subsurface materials for the new 1400-foot road consisted of 2" of Organic Silt (OL) topsoil, with a soft Silt (ML) that extends to a depth of 1.5-feet to 2.0-feet. Gravel was encountered below the Silt to a depth of 5.0-feet. Subsurface materials for the new 400-foot road consisted of 2" of Organic Silt (OL) topsoil with GP-GM material to 3.0-feet. Below 3.0-feet is possible decomposed bedrock. No groundwater was encountered during our investigation. Boring logs and test locations are attached.

#### Pavement Design and Recommendations

Design methodologies considered the following:

1. The American Association of State Highway Officials (AASHTO) "Guide for Design of Pavement Structures" (1993), Chapter 4 – Low Volume Road Design.
2. Tensar Earth Technologies, Inc. "SpectraPave2" Design Software (2002).



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MAY 04 2007  
IC-07-05-577  
Ravalli County Planning Dept.

ENGINEERING  
SURVEYING  
PLANNING

3021 Palmer • P.O. Box 16027 • Missoula, Montana 59808-6027

(406) 728-4611  
FAX: (406) 728-2476  
wgmgroup.com

**DATE:** March 30, 2007  
**TO:** David Ohnstad, Ravalli County Road & Bridge Department  
**CC:** Ron Uemura, PE, RAM Engineering  
**FROM:** Jonathan L. Gass, P.E.  
**RE:** Orchard Hills Estates Preliminary Review Completion

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Office to be included with the full subdivision application.

The following comments will need to be addressed with the final plan submittal.

1. We assume discharge to and improvements proposed for the irrigation ditch has been approved by the appropriate ditch company. Please confirm.
2. Please demonstrate the irrigation ditch is able to handle the concentrated flows from lots 1-6. Where does this drainage discharge?

Preliminary comments were sent to the design engineer in accordance with Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. We are now sending this letter to your office in accordance with Step 7 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We were also asked to verify that Corvallis Hills Drive meets Ravalli County road standards in order for the planning board to schedule a hearing for this project. We received confirmation from the design engineer that the pavement width for Corvallis Hills Drive is 24 feet. Based on this information, the road appears to meet Ravalli County road standards. Please refer to the attached fax from RAM Engineering.

Further, we reviewed the Traffic Impact Study submitted for this project. We find the study meets the requirements of the subdivision regulations.

We have included a copy of the following with this letter:

- 1) Preliminary comment memo from WGM Group, dated 09/05/06
- 2) Preliminary comment response from RAM Engineering, dated 9/22/06

- 3) WGM Group response to design engineer comments, dated 10/18/06
- 4) RAM Engineering response, dated 11/11/06
- 5) Fax from RAM Engineering re: Corvallis Hills Drive, dated 3/6/07

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



ENGINEERING  
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PLANNING

3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

Phone: (406)728-4611  
Fax: (406)728-2476  
www.wgmgroup.com

**DATE:** September 5, 2006  
**TO:** Ron Uemura, PE, RAM Engineering  
**CC:** David Ohnstad, Ravalli County Road & Bridge Department  
**FROM:** Jonathan L. Gass, P.E.  
**RE:** Orchard Hills Estates Preliminary Review Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has completed a review of the preliminary grading and drainage plans and reports submitted by your office. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

#### **Roadways**

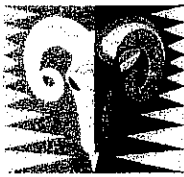
- 1) The pavement design prepared by Orion Engineering recommends a pavement section of 2.5" of asphalt, 4" of 1 ½" crushed base course and 9" of 3" crushed subbase course. The typical road section on Sheet 2 of the submitted plans shows 7" of 3" subbase course. Please revise the plans to match the pavement design by Orion Engineering.
- 2) The sight distance triangles appear to be based on a design speed of 25 mph for Corvallis Road. Please confirm that 25 mph is an appropriate speed for Corvallis Road.
- 3) Based on sight visit observations, it appears available sight distance for a motorist turning left onto Corvallis Lane from Spartan Lane may be limited due to existing vegetation and existing horizontal and vertical curves on Corvallis Road. Please confirm that the required sight distance will be provided.
- 4) The Schedule for Roadway Design for Empire Court lists a Design Speed of 15 mph and a Posted Speed of 25 mph. The Ravalli County Subdivision

Regulations require a minimum design speed of 25 mph for local low volume roads. Please revise the design or request a variance from the subdivision regulations.

### **Storm Drainage**

- 1) It appears the left side ditch of Spartan Lane from approximate station 8+50 to the end of the cul-de-sac will concentrate flow discharge onto a hillside with a 10% slope. Please address the effects of this concentrated flow.
- 2) The Ravalli County Subdivision Regulation 3-2-16 (b) states that grading plans be prepared in accordance with DEQ Circular 8. Several items required by DEQ Circular 8 are not address in the drainage report. These include (but are not limited to) locations of wells and drainfields within 200' of areas where runoff will discharge into the ground, analysis of a 100-year storm event to show peak flows will not inundate any home sites or drainfields, analysis showing void space of an infiltration sump can contain the entire runoff volume for the design event, and a list of the percolation rate of the soils at the depth of the infiltration. Please revise the drainage report to address these items and resubmit for preliminary review.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



## **RAM Engineering**

Site Planning - Civil Engineering Design  
Feasibility Studies - Project Management  
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238  
Fax (406) 363-1880  
Email: ramengineer@hotmail.com

# **Memo**

**To:** Jonathan L. Gass, PE, WGM Group, Inc.  
**From:** Ron Uemura, PE  
**Date:** September 22, 2006  
**Re:** Orchard Hills Estates

---

This response is in order of your preliminary review comments dated 9/5/06:

### **Roadways**

- ✓1. We have revised the plans to match the pavement design recommendations by Orion Engineering. See attached plans.
- ✓2. Corvallis Hills Drive is a privately maintained road. It is not on the Road Department's list, therefore, a 25mph speed limit is appropriate in accordance with the Subdivision Regulations.
3. Attached are sketches showing the sight triangles for the intersection of Spartan Lane and Corvallis Hills Drive. We fail to see your concerns of the available sight distance due to vegetation (which can be trimmed back if necessary), horizontal and vertical curves (where?).
4. The schedule should have indicated a design and posted speed limits of 15 mph. Attached is the corrected sheet. We feel that it is reasonable to set this lower speed because of the very short road length, therefore, we request a variance from the speed limit requirement for this specific case.



### **Storm Drainage**

1. Attached are the 100-year frequency storm runoff calculations for the roadway swales that may be affected. The depth of the runoff in the roadside swale would be about 0.5' deep with a velocity of about 3 fps. The swale would be spread out beyond the cul de sac to allow the runoff to dissipate into the upper part of Lot 15, away from the existing improvements, drainfield, or well in that lot.
2. The Grading & Drainage Plan and Report have already been reviewed by the DEQ. FYI - attached is a copy of Sheet 1/7 showing the location of the proposed drainfields and wells within 200' of the grated inlet in Empire Court. We have also included a 12" culvert from the proposed grated inlet in Empire Court so your request for percolation rates is unnecessary.
3. Attached is a copy of the revised Roadway, Grading & Drainage Plan.



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Phone: (406)728-4611  
Fax: (406)728-2476  
www.wgmgroup.com

**DATE:** October 18, 2006  
**TO:** Ron Uemura, PE, RAM Engineering  
**CC:** David Ohnstad, Ravalli County Road & Bridge Department  
**FROM:** Jonathan L. Gass, P.E.  
**RE:** Orchard Hills Estates Response to Design Engineer Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our initial preliminary review comments for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

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#### **Roadways**

3. The final design shall incorporate vegetation removal within the Corvallis Hills Drive right-of-way as necessary to provide appropriate clear sight distance.
4. Because of the short road length and few houses that will use this road, we agree that a 15 mph design speed is adequate. However, that planning department may require a formal variance request from section 5-4-4, Table B-1 of the Ravalli County Subdivision Regulations which lists a minimum design speed of 25 mph for local low volume roads.

#### **Storm Drainage**

1. Final designs shall incorporate design measures to dissipate the ditch flows as they discharge from the ditch.
2. Please provide a description of the drainage way that will receive runoff from lots 1-6. Is this drainage able to handle the concentrated flows from these lots? Where does this drainage discharge?

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



2614 Murphy Street, Missoula MT 59808

406-543-3100 • fax 406-721-6629

mdworsky@orioneng.net

February 8, 2006

Ron Uemura  
RAM Engineering  
P.O. Box 2130  
Hamilton, MT 59840

RE: **Willrock Subdivision Pavement Section Recommendations**  
*Corvallis, MT*

Dear Mr. Uemura,

This letter follows our investigation of the proposed development on February 1, 2006 and phone conversation on February 7, 2006. The project includes an evaluation and pavement section design of an existing 2500-foot road, and a pavement section design for a new 1400-foot road and a new 400-foot road.

#### Scope of Work

We used the Orion drill to evaluate the existing road and the proposed new roadway sections. We performed four (4) soil borings for the existing 2500-foot paved road, two (2) soil borings for the new 1400-foot road, and one (1) boring for the new 400-foot road. We performed Standard Penetrometer Tests (SPT) and gathered representative samples.

#### Findings

Subsurface materials for the existing 2500-foot road consisted of 2-inches of Asphalt pavement over 10-inches to 2.0-feet of medium dense Poorly Graded Gravel (GP-GM) and Silty Sand (SM) base course. Native subgrade consisted of a dense Silty Sand with gravel, stiff Silt with gravel, and dense Sand with gravel. Subsurface materials for the new 1400-foot road consisted of 2" of Organic Silt (OL) topsoil, with a soft Silt (ML) that extends to a depth of 1.5-feet to 2.0-feet. Gravel was encountered below the Silt to a depth of 5.0-feet. Subsurface materials for the new 400-foot road consisted of 2" of Organic Silt (OL) topsoil with GP-GM material to 3.0-feet. Below 3.0-feet is possible decomposed bedrock. No groundwater was encountered during our investigation. Boring logs and test locations are attached.

#### Pavement Design and Recommendations

Design methodologies considered the following:

1. The American Association of State Highway Officials (AASHTO) "Guide for Design of Pavement Structures" (1993), Chapter 4 - Low Volume Road Design.
2. Tensar Earth Technologies, Inc. "SpectraPave2" Design Software (2002).

## EXHIBIT A-13

David Ohnstad

**From:** David Ohnstad  
**Sent:** Saturday, February 16, 2008 1:50 PM  
**To:** John Lavey  
**Cc:** 'Ronald M. Uemura'  
**Subject:** FW: orchard hills drive

RECEIVED

FEB 20 2008  
IC 08-02-164  
Ravalli County Planning Dept.

John -

We have received and reviewed the request for Design Exception as noted below. We will approve this request-as submitted.

I will deliver copy of the request to your office.

David

---

**From:** David Ohnstad  
**Sent:** Saturday, January 26, 2008 2:06 PM  
**To:** 'applebury@cybernet1.com'  
**Cc:** John Lavey; 'Jonathan Gass'  
**Subject:** RE: orchard hills drive

Terry -

We have reviewed the materials you delivered regarding the existing Corvallis Hills Drive. The analysis by Orion Engineering would appear to support the suggestion that the existing roadway conforms to the adopted county roadway design standards, with the exception of the crushed aggregate base underlying the asphalt pavement. Orion's analysis appears to support that the structural capacity is realized despite the lack of that aggregate base. We will accept this analysis provided that a completed (signed and stamped) Design Exception request is submitted, for our approval, that identifies the exception (lack of crushed aggregate base) and proposes as mitigation the report from Orion that demonstrates that the roadway still has the necessary structural capacity. Additionally, the existing roadway will require the sealing of any pavement cracking followed by the placement of a Bituminous Surface Treatment (chip seal) to bring the surface condition to an acceptable standard.

Upon submittal of that request in the standard Design Exception format we will approve the request and accept the existing Corvallis Hills Drive as conforming to the county's adopted design standards, with the understanding that the BST will be placed on the existing roadway prior to a request for final plat approval.

David

---

**From:** David Ohnstad  
**Sent:** Wednesday, December 05, 2007 4:41 PM  
**To:** 'applebury@cybernet1.com'  
**Cc:** John Lavey; 'Jonathan Gass'  
**Subject:** orchard hills drive

Terry -

2/16/2008

The materials submitted this week for Orchard Hills Drive (to determine if this roadway meets current design and construction standards) will be forwarded tomorrow to the WGM group for analysis and recommendation. I will forward a final opinion to the Planning Department once I have received a recommendation from Jonathan.

David

2/16/2008

received  
2-10-08

# RAVALLI COUNTY ROAD & BRIDGE DEPARTMENT

## SCHEDULE FOR DESIGN EXCEPTION

### NEW CONSTRUCTION

PROJECT NAME <i>Orchard Hills Estates</i>	LOCATION <i>Corvallis, MT</i>
ROAD NAME <i>Corvallis Hills Drive</i>	STATION <i>0+00 to 26+45.33</i>
ADT <i>&lt; 400</i> % TRUCKS <i>5</i>	FUNCTIONAL CLASS <i>minor local access</i>
TERRAIN - FLAT <input type="checkbox"/> ROLLING <input checked="" type="checkbox"/> MTNS <input type="checkbox"/>	DESIGN ENGINEER <i>Ronald M. Henshaw, PE</i>

ELEMENT	COUNTY STANDARD	PROPOSED DESIGN	REFERENCE
DESIGN SPEED			
JUSTIFICATION FOR EXCEPTION			
MINIMUM RADII			
JUSTIFICATION FOR EXCEPTION			
SIGHT DISTANCE - CRV			
JUSTIFICATION FOR EXCEPTION			
HORIZ CURVE LENGTH			
JUSTIFICATION FOR EXCEPTION			

ELEMENT	COUNTY STANDARD	PROPOSED DESIGN	REFERENCE
MAXIMUM GRADE			
JUSTIFICATION FOR EXCEPTION			
VERTICAL CLEARANCE			
JUSTIFICATION FOR EXCEPTION			
PAVED TRAVEL WIDTH			
JUSTIFICATION FOR EXCEPTION			
GRAVEL SHLDR WIDTH			
JUSTIFICATION FOR EXCEPTION			
STRUCTURE WIDTH			
JUSTIFICATION FOR EXCEPTION			
SUPERELEVATION			
JUSTIFICATION FOR EXCEPTION			

ELEMENT	COUNTY STANDARD	PROPOSED DESIGN	REFERENCE
CROSS-SLOPE			
JUSTIFICATION FOR EXCEPTION			
HORIZ CLR TO OBSTR			
JUSTIFICATION FOR EXCEPTION			
INTER SGT DISTANCE			
JUSTIFICATION FOR EXCEPTION			
EASEMENT WIDTH			
JUSTIFICATION FOR EXCEPTION			
Pavement Section	Base course - 3/4" minus Subbase - 3" minus	10" - 2 1/2" GP-5M and 5M base course	Page 5-13 Subd. Reqs.
<p>Although a lack of crushed aggregate base was found, the soils engineer, Orion Engineering, found that <del>the</del> it can support the structural capacity. see attached report.</p>			
JUSTIFICATION FOR EXCEPTION			

<p>2/05/08</p> <p>DATE SUBMITTED</p>	<p><i>Ronald M. Masao, PE</i></p> <p>ENGINEER'S SIGNATURE</p>	<p> </p>
--------------------------------------	---	----------



February 8, 2006

Ron Uemura  
RAM Engineering  
P.O. Box 2130  
Hamilton, MT 59840

RE: **Willrock Subdivision Pavement Section Recommendations**  
*Corvallis, MT*

Dear Mr. Uemura,

This letter follows our investigation of the proposed development on February 1, 2006 and phone conversation on February 7, 2006. The project includes an evaluation and pavement section design of an existing 2500-foot road, and a pavement section design for a new 1400-foot road and a new 400-foot road.

#### **Scope of Work**

We used the Orion drill to evaluate the existing road and the proposed new roadway sections. We performed perform four (4) soil borings for the existing 2500-foot paved road, two (2) soil borings for the new 1400-foot road, and one (1) boring for the new 400-foot road. We performed Standard Penetrometer Tests (SPT) and gathered representative samples.

#### **Findings**

Subsurface materials for the existing 2500-foot road consisted of 2-inches of Asphalt pavement over 10-inches to 2.0-feet of medium dense Poorly Graded Gravel (GP-GM) and Silty Sand (SM) base course. Native subgrade consisted of a dense Silty Sand with gravel, stiff Silt with gravel, and dense Sand with gravel. Subsurface materials for the new 1400-foot road consisted of 2" of Organic Silt (OL) topsoil, with a soft Silt (ML) that extends to a depth of 1.5-feet to 2.0-feet. Gravel was encountered below the Silt to a depth of 5.0-feet. Subsurface materials for the new 400-foot road consisted of 2" of Organic Silt (OL) topsoil with GP-GM material to 3.0-feet. Below 3.0-feet is possible decomposed bedrock. No groundwater was encountered during our investigation. Boring logs and test locations are attached.

#### **Pavement Design and Recommendations**

Design methodologies considered the following:

1. The American Association of State Highway Officials (AASHTO) "Guide for Design of Pavement Structures" (1993), Chapter 4 – Low Volume Road Design.
2. Tensar Earth Technologies, Inc. "SpectraPave2" Design Software (2002).

The magnitude and frequency of wheel load applications have been estimated based on anticipated traffic characteristics assuming the primary traffic being passenger cars and light trucks. Design variable input includes the following:

Existing 2500-foot road widening and new 400-foot road

<i>Single Axle Loads</i>	18 kips
<i>Design Period (N)</i>	20 years
<i>Subgrade CBR</i>	40.0
<i>Reliability</i>	50%
<i>Traffic</i>	100,000 ESAL's
<i>Standard Deviation</i>	0.45
<i>Serviceability Loss</i>	2.2
<i>Drainage Coefficient</i>	1.0

New 1400-foot road

<i>Single Axle Loads</i>	18 kips
<i>Design Period (N)</i>	20 years
<i>Subgrade CBR</i>	5.0
<i>Reliability</i>	50%
<i>Traffic</i>	50,000 ESAL's
<i>Standard Deviation</i>	0.45
<i>Serviceability Loss</i>	2.2
<i>Drainage Coefficient</i>	1.0

*Excavation and Preparation:*

The existing 2500-foot asphalt-surfaced road meets design requirements based on our findings and methodology, and may remain in place. Recommended sections for the 2500-foot existing road apply to widening to county standards. We recommend all organic topsoil be completely removed within the road areas prior to any fill placement. It is expected that about 2.5-inches of material will need to be removed. After topsoil removal, we recommend the exposed subgrade be compacted to 95% of AASHTO T-99 and tested before placing any fill. The 1 ½" base material should be compacted in maximum of 1.0-foot lifts. It is imperative that Orion Engineering be afforded the opportunity to inspect exposed subgrade conditions prior to fill placement to ensure that design requirements are met.

The recommended pavement section for widening of the existing 2500-foot road and new 400-foot road:

<b>2.5 Inches</b>	<b>Hot Mix Asphaltic Concrete Surfacing</b>
<b>6 Inches</b>	<b>1 ½" Crushed Base Course</b>

The recommended pavement sections for the new 1400-foot road:

<b>2.5 Inches</b>	<b>Hot Mix Asphaltic Concrete Surfacing</b>
<b>10 Inches</b>	<b>1 ½" Crushed Base Course</b>
	<b>or</b>
<b>2.5 Inches</b>	<b>Hot Mix Asphaltic Concrete Surfacing</b>
<b>4 Inches</b>	<b>1 ½" Crushed Base Course</b>
<b>9 Inches</b>	<b>3" Crushed Subbase Course</b>

**RECEIVED**

**NOV 08 2007**

10-07-11-14100  
Ravalli County Planning Dept.

**David Ohnstad**

---

**From:** David Ohnstad  
**Sent:** Monday, September 24, 2007 4:45 PM  
**To:** John Lavey  
**Cc:** Howard Anderson  
**Subject:** orchard hills traffic impact study

## **EXHIBIT A-14**

John -

We will approve the Traffic Impact Study submitted for this project, provided that -

- 1) The project owner will pay for the entire cost of the mitigation efforts identified in the study, currently estimated at \$3535.00 (installation of traffic control signs) and \$1806.00 (pavement markings) for a total of \$5341.00. This mitigation is reflective of deficiencies in the existing geometric design of the subject roadway and is in addition to the "pro-rata" assessment which addresses deficiencies in the structural condition of the subject roadways, and
- 2) Certain technical amendments, as may be determined through further review and discussion with the design engineer, will be incorporated into a final report at the time of the final design submittal for the subdivision.

I will deliver copy of the impact study and related cost estimates for your files.

Finally, this recommendation is reflective only of the subdivision project in question, the current condition of this roadway and the current traffic volume upon the subject roadway(s). Future projects accessing this roadway will be subject to assessment considerate of current design standards, construction procedures and projected traffic volumes.

David

**DAVID H. OHNSTAD**  
**COUNTY ROAD SUPERVISOR**  
**RAVALLI COUNTY, MONTANA**

9/24/2007

September 24, 2007

## ORCHARD HILLS ESTATES

### SIGNAGE COST ESTIMATE

1 EA. W1-5L INSTALLED @ \$235.00	\$235.00
1 EA. W1-5R INSTALLED @ \$235.00	\$235.00
1 EA. W1-4L INSTALLED @ \$235.00	\$235.00
1 EA. W1-4R INSTALLED @ \$235.00	\$235.00
1 EA. W1-1L INSTALLED @ \$235.00	\$235.00
1 EA. W1-1R INSTALLED @ \$235.00	\$235.00
6 EA W13-1 (20MPH) INSTALLED @ \$40.00	\$240.00
1 EA. R1-2 INSTALLED @ \$235.00	\$235.00
6 EA. W1-8 INSTALLED @ \$235.00	\$1410.00
6 EA. W1-8 ADDITIONAL INSTALLED @ \$40.00	\$240.00
TOTAL	\$3535.00

### STRIPING COST ESTIMATE

8000 LINEAL FT. DOUBLE SOLID NO PASS @ \$ .17pf	\$1360.00
2400 LINEAL FT. SINGLE SOLID NO PASS @ \$ .09pf	\$216.00
4600 LINEAL FT. SKIP LINE @ \$ .05pf	\$230.00
TOTAL	\$1806.00



# SPECIALIZED ENGINEERING

Aerial Tramways; Design, Inspection,  
Accident Investigations,  
Construction, and Risk Management  
General Civil; Subdivisions  
Sanitation

September 05, 2007

Mr. David Ohnstad  
Rayalli County Road and Bridge Department Supervisor  
Fairgrounds Road  
Hamilton, Mt. 59840

Howard R. Anderson, P.E.  
P.O. Box 535, Hamilton, MT 59840  
Office: (406) 961-3523 • Fax: (406) 961-2402

Re: Orchard Hills Estates;  
Amended Report on the Traffic Impact Analysis.  
Popham Lane between Sutherland road and Mountain View Orchards Road.

Dear David:

Enclosed please find one copy of the amended Traffic Impact Analysis as we have discussed.  
As part of this report, I have enclosed extra copies of the Aerial Photograph showing the locations of the recommended Traffic Sign Placements.

Also enclosed is a large copy of the same Aerial Photograph.

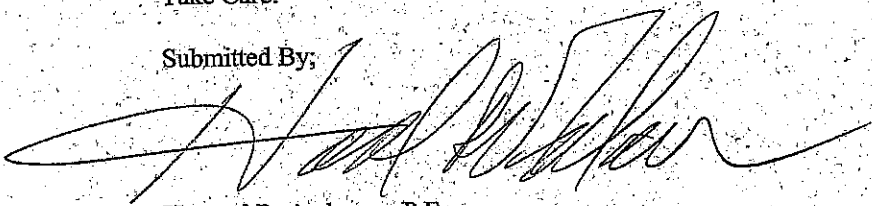
I guess the next procedure is to have your department provide a cost estimate for placement of these signs by your department.

Then the next step as I understand and as we discussed is for you to write a letter to Planning stating your concurrence with what we have prepared. That letter from your office should go directly to planning with a copy to me and a copy to Applebury Survey. I hope this is the correct procedure.

I would like to get this taken care of before I leave on vacation on September 25. I also have a lot of field construction taking place so will be in the field almost every day now until the 25<sup>th</sup>. If any questions give me a call. You can also e-mail me and I will be able to do e-mail most every evening and My cell is 406.360.6331.

Take Care.

Submitted By:



Howard R. Anderson, P.E.  
Specialized Engineering & Illustration, PLLC.

Cc. Schrock Construction  
Applebury Survey.

**John Lavey**

---

**From:** Ken Miller  
**Sent:** Wednesday, April 09, 2008 1:39 PM  
**To:** Denis Applebury  
**Cc:** John Lavey  
**Subject:** Road Name Approval - Orchard Hills Estates

**EXHIBIT A-15**

To Whom It May Concern:

This email is to inform you that the Ravalli County GIS Department has accepted and reserved the following road name(s) for your subdivision project:

Spartan Lane  
Empire Terrace

Please note that in order to enter roads into our Geographic Information System, we require a completed road name petition for each new road. A blank copy of this petition can be gotten at the following Website:  
[http://www.ravalliacounty.mt.gov/gis/road\\_petition.htm](http://www.ravalliacounty.mt.gov/gis/road_petition.htm).

Regards,

Ken Miller  
Ravalli County GIS  
(406) 375-6622

4/9/2008

**John Lavey**

**From:** John Lavey  
**Sent:** Monday, April 07, 2008 11:53 AM  
**To:** 'Rose, Sharon'  
**Subject:** RE: Orchard Hills Estates

**EXHIBIT A-16**

Hi Sharon,

Knowing that you're a bit under-staffed, I'll pester you just one last time: any word on this particular subdivision?

Beleagueringly yours,

John Lavey  
Ravalli County Planning Department  
215 South 4th Street, Suite F  
Hamilton, MT 59840  
406.375.6530

---

**From:** Rose, Sharon [mailto:shrose@mt.gov]  
**Sent:** Tuesday, March 18, 2008 8:56 AM  
**To:** John Lavey  
**Subject:** RE: Orchard Hills Estates

Hi John.

We plan to get something out on this one, hopefully the end of next week. As you may know, our wildlife biologist John Vore is transferring to Kalispell FWP effective ~April 1st, so we're trying to wrap up everything in his area. Hopefully will have his position filled by May?

Sharon

-----Original Message-----

**From:** John Lavey [mailto:jlavey@ravallicounty.mt.gov]  
**Sent:** Friday, March 14, 2008 1:46 PM  
**To:** Rose, Sharon  
**Subject:** Orchard Hills Estates

Sharon,

I wrote awhile back regarding the referenced subdivision and haven't received anything from your office. I'm wondering if FWP will be submitting comments? In the event that we don't receive comments, we typically include comments previously provided for similar projects.

John Lavey  
Ravalli County Planning Department  
215 South 4th Street, Suite F  
Hamilton, MT 59840  
406.375.6530

4/9/2008

**John Lavey**

---

**From:** brid@copper.net  
**Sent:** Wednesday, April 09, 2008 2:58 PM  
**To:** John Lavey  
**Subject:** Subdivision

**EXHIBIT A-17**

**Attachments:** IMG\_0778\_1.JPG; IMG\_0779\_1.JPG; IMG\_0780\_1.JPG; Pipe one inlet structure \_1.JPG

John,

Here are some pictures where the subdivision is being built. As you can see in some of the pictures the area has a lot of seepage. I would have concerns on there building site locations. In the first picture you can see the toe of the ditch. I would like to see a small set back from the toe of the canal. This would be for safety of life, property and the Irrigation canal. The canal carries approximately 300 Cubic feet per second (CFS) in this area. A fence in this area would be a must, if Kids go tubing down the canal about a 1/2 mile down stream I have a large siphon that crosses coyote gulch ounce the current catches them there would be a loss of life. We do have trash grates there however, the current may pull them through. I have an attachment with a picture of a siphon similar to the one on coyote gulch.

John if you have any more questions please call or email me. Thanks for the phone call.

Sincerely,

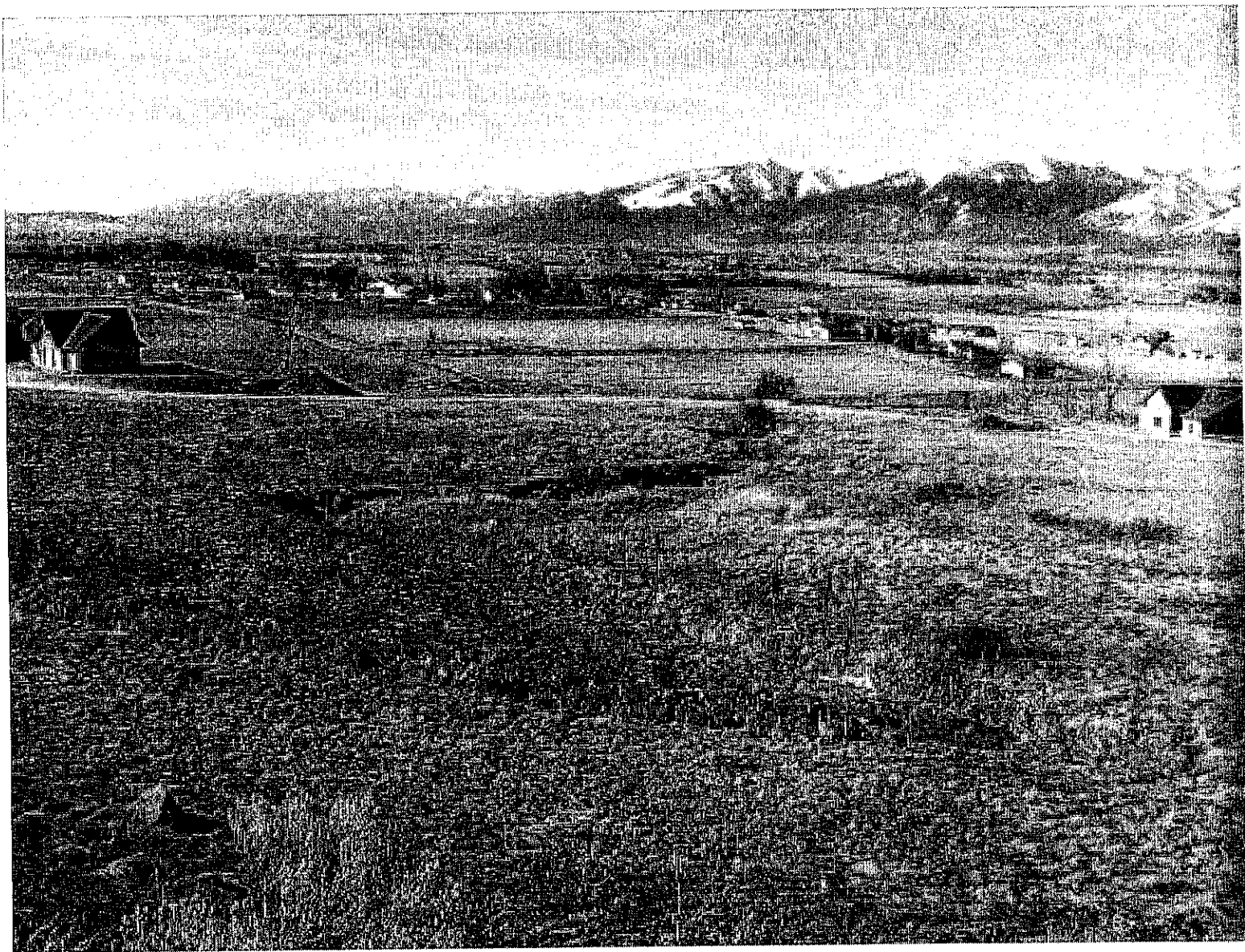
John Crowley

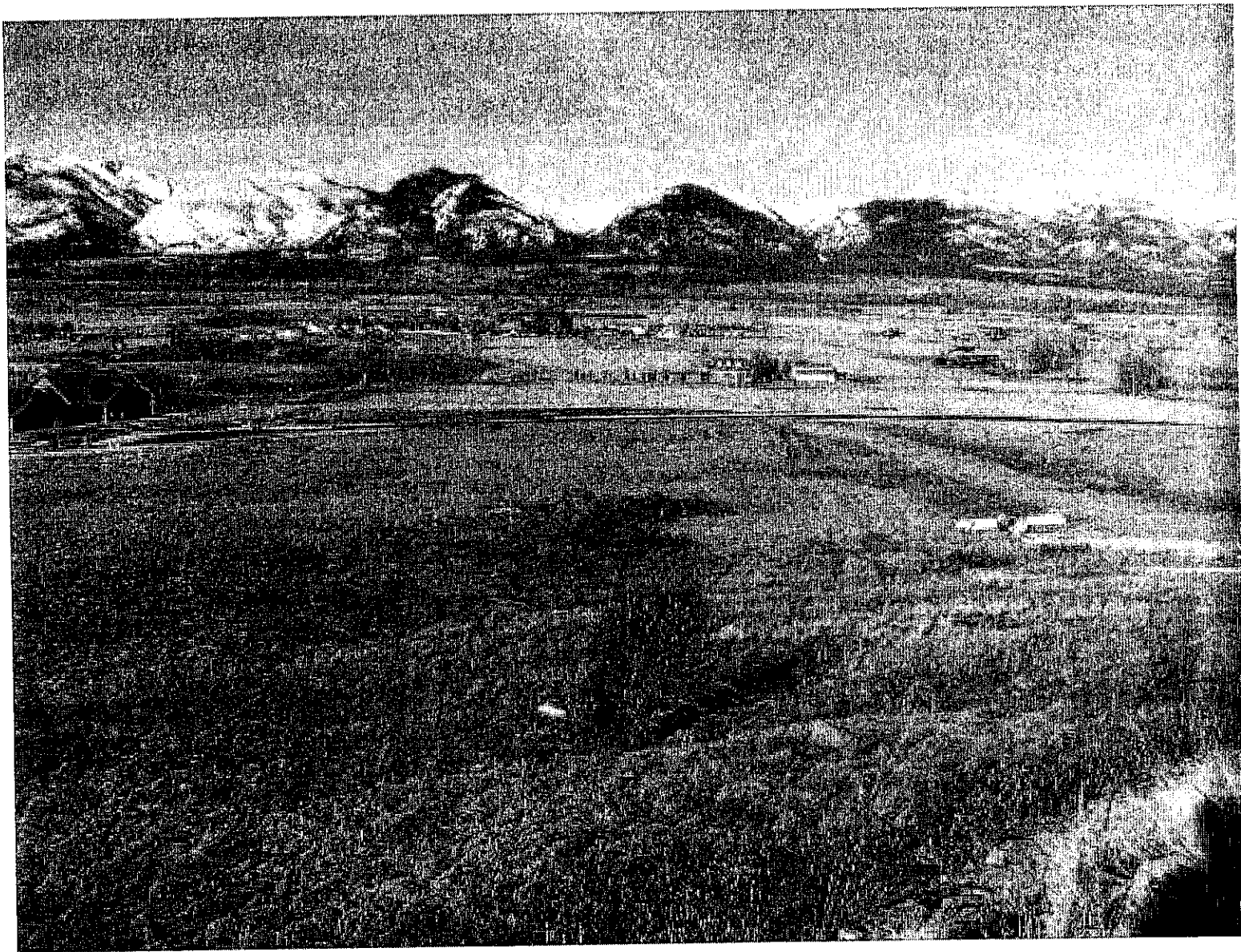
Manager, Bitter Root Irrigation District

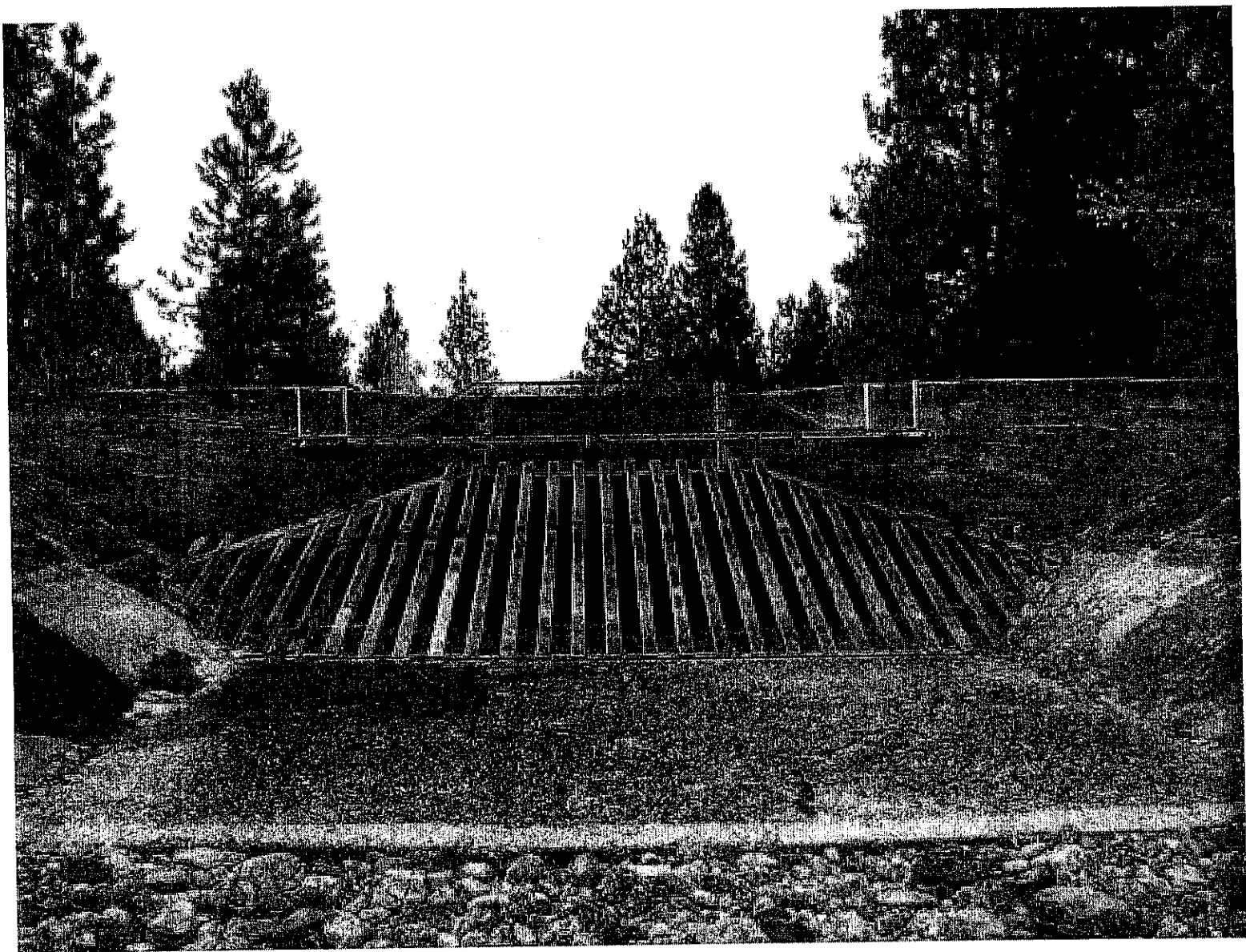
4/9/2008













## Montana Fish, Wildlife & Parks

Exhibit A-18

Covenants for Orchard Hills Estates (Wil-Rock) subdivision, recommended by Montana Fish, Wildlife & Parks; Missoula; April 16, 2008

### Section \_\_: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as elk, mule deer, white-tailed deer, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. All **garbage** should be stored in bear-resistant containers or indoors. If stored indoors, garbage may not be taken outdoors until the morning of garbage pick-up and containers must be brought back in that evening. Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash storage sites. (If home sites are occupied seasonally, all garbage from the home and other buildings must be removed from the property before closing up for the season.)



- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.
- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and

garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

1. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

## Ravalli County Subdivision Noxious Weed Preliminary Evaluation Form

[For all subdivisions in Ravalli County Reviewed by the Ravalli County Planning Board]

To prevent the spread of noxious weeds and in compliance with the County Noxious Weed Control Act, The Ravalli County Weed Board holds that it is unlawful to allow noxious weeds to propagate or go to seed. 7-22-2116 and 7-22-2152 M.C.A. 2001.

Prior to preliminary plat approval, a Ravalli County Subdivision Noxious Weed Evaluation Form must be completed and submitted to the Ravalli County Weed District/Board for their review and approval. Upon the existence of Category 2 or 3 noxious weeds, the Ravalli County Weed District may require all or part of the proposed subdivision to be treated prior to final approval of the proposed subdivision. Upon approval by the District, this plan must be signed by the Weed District Supervisor or an appointed District representative in cooperation with the Landowner/Cooperator responsible for the subdivision and constitutes a binding agreement between the District/Board and the Landowner/Cooperator.

### A. THE FOLLOWING IS A WEED EVALUATION FOR:

Subdivision Name: Orchard Hills Estates, Block 2, Summerdale Orchards

Location: Mountain View Orchards Rd & Corvallis Hills Dr.

Legal description: E1/2, Sec. 23 T. 7 N, R. 20 W

Acres & # of Lots: 81.57 acres, 19 lots

Weeds Present: common tansey, spotted knapweed

A PLAT MAP MUST BE INCLUDED WITH THIS EVALUATION

### CATEGORY 1:

Noxious Weeds Present: ☒

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Canada Thistle   | <input checked="" type="checkbox"/> Common Tansy     | <input type="checkbox"/> Dalmation Toadflax | <input type="checkbox"/> Diffuse Knapweed  |
| <input type="checkbox"/> Field Bindweed   | <input type="checkbox"/> Houndstongue                | <input type="checkbox"/> Leafy Spurge       | <input type="checkbox"/> Ox-eye Daisy      |
| <input type="checkbox"/> Russian Knapweed | <input checked="" type="checkbox"/> Spotted Knapweed | <input type="checkbox"/> St Johnswort       | <input type="checkbox"/> Sulfur Cinquefoil |
| <input type="checkbox"/> Whitetop         | <input type="checkbox"/> Yellow Toadflax             | <input type="checkbox"/> Hoary Allysum      |  |

Size of Infestations: \_\_\_\_\_



**PAID**  
1174.00

## RAVALLI COUNTY SUBDIVISION "GROUND DISTURBANCE AND NOXIOUS WEED" MANAGEMENT PLANS

[ For all Subdivisions in Ravalli County reviewed by the Ravalli County Planning Board ]

To prevent the spread of noxious weeds and in compliance with the County Noxious Control Act, The Ravalli County Weed Board holds that it is unlawful to allow noxious weeds to propagate or go to seed.  
7-22-2116 and 7-22-2152 M.C.A. 2001.

Before disturbance begins, please complete and submit a copy of the "Noxious Weed and Ground Disturbance" Management plan/s to the Ravalli County Weed District/Board for their review. This plan may require revision to meet the requirements of the Noxious Weed Management Plan of the County, and Montana County Noxious Weed Control Act. Upon approval by the District, this plan must signed by the Chair of the Board or appointed District representative in cooperation with the Landowner/Cooperator responsible for the disturbance or subdivision and constitutes a binding agreement between the District/Board and the Landowner/Cooperator. Term of this agreement is until Day 1st Month July & Year 2012

### A. THE FOLLOWING IS YOUR WEED MANAGEMENT AND REVEGETATION PLAN FOR:

Subdivision Name: Orchard Hills Estates, Block 2, Summerdale Orchards

Location: Mountain View Orchards Rd & Corvallis Hills Dr.

Legal description: E1/2, Sec. 23 T. 7 N. R. 20 W

Acres & # of Lots: 81.57 acres, 19 lots

Weeds Present: common tansey, spotted knapweed

**A PLAT MAP MUST BE INCLUDED WITH THIS PLAN**

### 2. Methods of Weed Management for the entire subdivision: [ check all that apply ]

- ☒ Mowing  
☒ Herbicide  
☒ Cultivation  
☐ Hand Pulling

This subdivision is presently a hayfield with various grasses of introduced rye & wheat grasses. It is irrigated and virtually devoid of weeds. However, the areas that border the subdivision support some weeds, mostly spotted knapweed & common tansey. Areas disturbed for development should be sprayed annually with 24D-Amine to prevent establishment of weeds encroaching the area from the outside. Disturbed areas will be smoothed out shaped and seeded to lawn grasses as dwellings are established. All areas not in lawn will be smoothed and re-seeded to improve pasture grass varieties and monitored for possible introduction of weed species.

### 3. When will annual work be completed? Month July Start year 2009 [ Must be before weeds flower ]

#### Assignment of responsibility: [ check all that apply ]

- ☒ Landowner until properties are all sold [ unsold properties ]  
☐ Covenant  
☐ Contract  
☐ Homeowners Association

Disturbed areas: Describe plans to reseed areas where original vegetation has been damaged, disturbed or removed. [ phone, gas, or power line burial or power poles sanitation ]

a. Site preparation: all disturbed areas will be smoothed and seeded to lawn grass mixture. Developed dwelling areas will be seeded to improve grass varieties suitable to the site.

b. Seed varieties used and rates: blue grasses and fescues <sup>15 to 20 lbs/ac</sup> ~~1 to 10 #s per acre.~~

c. Time of seeding: Spring of year

d. Method of seeding: by hand operated machine, broadcast and use of clean drill in larger areas.

Plans for follow up annual work for revegetation and weed management:

Year 1: spray all disturbed areas with 24D-Amine prior to flowering and as needed in open areas. ALL TREATMENTS MUST BE DONE PRIOR TO FLOWERING.

Mowing: [ list timing ] mow all areas prior to flowering.

Herbicide: [ list type, rate & timing. ] Milestone @ 5oz per ac on Spotted Knapweed  
24D-Amine as needed. Escort @ 1oz per ac for common tansy

Cultivation: [ list type of equipment & timing ] roto-tilling and seeding to lawn grasses.

Hand Pulling: [ list species & timing ] none identified.

Reseeding: [ list varieties, rate and timing ] suitable lawn mixture of bluegrasses and fescues. 15-20 lbs/ac

Method of seeding: [ list all methods you plan to use ] hand drilling, hand broadcasting.

Year 2: spray all disturbed areas with 24D-Amine prior to flowering and as needed in open areas. ALL TREATMENTS MUST BE DONE PRIOR TO FLOWERING.

Mowing: [ list timing ] mow all areas prior to flowering.

Herbicide: [ list type, rate & timing ] 24D-Amine as needed. same as year 1

Cultivation: [ list type of equipment & timing ] roto-tilling and seeding to lawn grasses.

Hand Pulling: [ list species & timing ] none identified.

Reseeding: [ list varieties, rate and timing ] suitable lawn mixture of bluegrasses and fescues. 15-20 lbs/ac

Method of seeding: [ list all methods you plan to use ] hand drilling, hand broadcasting.

Year 3: spray all disturbed areas with 24D-Amine prior to flowering and as needed in open areas. ALL TREATMENTS MUST BE DONE PRIOR TO FLOWERING.

Mowing: [ list timing ] mow all areas prior to flowering.

Herbicide: [ list type, rate & timing ] 24D-Amine as needed. Same as year 1

Cultivation: [ list type of equipment & timing ] roto-tilling and seeding to lawn grasses.

Hand Pulling: [ list species & timing ] none identified.

Reseeding: [ list varieties, rate and timing ] suitable lawn mixture of bluegrasses and fescues. 15-20 lbs/ac

Method of seeding: [ list all methods you plan to use ] hand drilling, hand broadcasting.

Year 4: spray all disturbed areas with 24D-Amine prior to flowering and as needed in open areas. ALL TREATMENTS MUST BE DONE PRIOR TO FLOWERING.

Mowing: [ list timing ] mow all areas prior to flowering.

Herbicide: [ list type, rate & timing ] 24D-Amine as needed. Same as year 1

Cultivation: [ list type of equipment & timing ] roto-tilling and seeding to lawn grasses.

Hand Pulling: [ list species & timing ] none identified.

Reseeding: [ list varieties, rate and timing ] suitable lawn mixture of bluegrasses and fescues, 15-20 lbs/ac

Method of seeding: [ list all methods you plan to use ] hand drilling, hand broadcasting.

Year 5: spray all disturbed areas with 24D-Amine prior to flowering and as needed in open areas. ALL TREATMENTS MUST BE DONE PRIOR TO FLOWERING.

Mowing: [ list timing ] mow all areas prior to flowering.

Herbicide: [ list type, rate & timing ] 24D-Amine as needed. same as year 1

Cultivation: [ list type of equipment & timing ] roto-tilling and seeding to lawn grasses.

Hand Pulling: [ list species & timing ] none identified.

Reseeding: [ list varieties, rate and timing ] suitable lawn mixture of bluegrasses and fescues, 15-20 lbs/ac

Method of seeding: [ list all methods you plan to use ] hand drilling, hand broadcasting.

**Landowner and if needed contractor responsibility information:**

**Name, Address and Phone number of Landowner:**

Name: Willie Schrock

Address: 1369 Hwy 93 N

City, State & Zip: Victor, MT 59875

Phone: 961-6808 Cell: [optional] \_\_\_\_\_

E-Mail: [optional] \_\_\_\_\_

Landowner Signature: Willie Schrock

Date: \_\_\_\_\_

Landowner Signature of amendments to plan: \_\_\_\_\_

Date: \_\_\_\_\_

Comments and or amendments from the Ravalli County Weed Board: \_\_\_\_\_

\_\_\_\_\_

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APPROVED ☒ OR DISAPPROVED ☐ RAVALLI COUNTY WEED BOARD:

Steve Brown DATE 3/18/2002

Mail to: Ravalli County Weed District  
329 Stevi Airport RD  
Stevensville, MT. 59870  
Phone # (406) 777-5842

**John Lavey**

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**From:** Glenn [donlea@cybernet1.com]  
**Sent:** Tuesday, March 11, 2008 9:29 AM  
**To:** John Lavey  
**Subject:** Orchard Hills Estates Major Subdivision

**EXHIBIT B - 1**

I will not be able to attend the meetings on this proposed subdivision because both my husband and I work at these hours. Our concerns are what is this going to do to our water table and also this is a major mule deer habitat. On any given day there are at least a herd of 40 or more that spend their winter grazing as well as where they take their young after they are born. I have lived here a little over 5 years and have seen this take place every year. I know this area was closed to hunting the mule deer for several years and has just opened up again. I think it would be a mistake to take away this area.

Thank You  
Jane Donlea  
1532 Summerdale Rd  
Corvallis, MT 59828

3/12/2008

MAR 21 2008  
16-08-03-270  
Ravalli County Planning Dept.

822 Promise Lane  
Corvallis, MT 59828  
March 19, 2008

Mr. John Lavey  
Planning Department  
215 South Street, Suite F  
Hamilton, MT 59840

## EXHIBIT B - 2

Dear Mr Lavey:

Thank you for your letter of March 3, allowing comment on the Proposed Orchard Hills Estates Major Subdivision. Being adjacent property owners, we do have several concerns related to The 6 criteria you have outlined. We hadn't realized that the Subdivision was not yet approved, Since trophy homes were already built on two of the lots.

Our major concerns involve water availability and water use since we are agricultural users of water, Both from our well and from the BRID system. To place an additional 19 users on both the BRID And the limited aquifers now available in this area, could be catastrophic. We are currently living With a 2 gpm well, and are aware that at least three of our neighbors have limited water. To think Of 19 more holes being drilled in this area is frankly, pretty scary. Also, we were repeatedly asked by The BRID people( in 2007 ) to refrain from any excessive use of water. We may be approaching a Limit as to what that system can provide.

Another concern is the elimination of several acres of prime agricultural land that could grow a Variety of crops, including fruit crops ( we are fruit growers and so are Swansons on the North Side of this Subdivision.). We believe the projected loss of agricultural acreage has been underestimated.

In regard to criterion #4, this is now prime mule deer habitat, With a subdivision of this magnitude, They will either lose this habitat,, or become the worst pest problem in the area. Neither option is Good for the deer.

Another major concern relates to criterion #6, Public safety and Health.. Anyone approaching this Subdivision, passes one of the most dangerous intersections in the area, the confluence of Popham And Summerdale Roads. In addition there is a ninety degree corner on Mountain View Orchards Road. With the additional traffic that this development will bring, additional danger may occur at These two sites.

We are not against development per se, and try not to display the NIMBY attitude. In this particular Case, an acceptable solution might be to increase the lot sizes to perhaps 10 acres like many of the Surrounding subdivisions, and in that way, significantly decrease the number of wells and BRID users. We seriously doubt that the area can stand the proposed densities, without some difficulties in water Availability, loss of agricultural potential, loss of wildlife habitat, or decreased highway safety.

We appreciate being able to make inputs in this matter.

Sincerely yours

Alan and Selma Putnam

*Alan L. Putnam*  
*Selma A. Putnam*

John Lavey

---

From: Planning  
Sent: Wednesday, April 16, 2008 1:06 PM  
To: John Lavey  
Subject: FW: Orchard Hills Estate Major Subdivision

-----Original Message-----

From: Alan Maki [mailto:alanmaki1@yahoo.com]  
Sent: Wednesday, April 16, 2008 1:05 PM  
To: Planning  
Subject: Orchard Hills Estate Major Subdivision

To whom it may concern,

Regarding the orchard hills subdivision east of Corvallis if any neighbors are worried about water quantity, quality, or loss of wildlife habitat or agricultural lands/water here are 3 websites with data of interest. [www.mbmggwic.mtech.edu](http://www.mbmggwic.mtech.edu) for well logs and groundwater info. [fwp.mt.gov/wildthings/concern](http://fwp.mt.gov/wildthings/concern) for wildlife the state of montana ranks of concern and [websoilsurvey.nrcs.usda.gov](http://websoilsurvey.nrcs.usda.gov) for soils information/catagorization.

Sincerely,

Alan Maki

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Be a better friend, newshound, and  
know-it-all with Yahoo! Mobile. Try it now. [http://mobile.yahoo.com/;](http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ)  
[\\_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ](http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ)